# SENATE—*Wednesday, November 4, 1987*

*(Legislative day of Friday, October 16, 1987)*

The Senate met at 9 a.m., on the expiration of recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*There is a way which seemeth right unto a man, but the ends thereof are the ways of death * * * in the fear of the Lord is a fountain of life—a sound heart is the life of the flesh * * * righteousness exalteth a nation: but sin is a reproach to any people.*—Proverbs 14:12, 27, 34.

Holy God, infinite in truth and righteousness, the news is full of economic and moral crises. Scapegoating seems the order of the day—everybody blaming everyone else for every problem. And as usual, Congress is the scapegoat—blamed by the people, by Wall Street, by world leaders. Even the epidemic of AIDS is somehow due to congressional failure. Meanwhile, morality and spirituality are ignored or ridiculed—and our culture becomes increasingly valueless.

Father of wisdom, when will we waken to the real cause of our plight? When will we acknowledge the real villain—relatively in ethics and morals. What a tragedy, Lord, when a Wall Street insider can say to a business administration graduating class, "Greed is good," and be received by laughter and applause. Winston Churchill speaking to Parliament on his 80th birthday, said "I hesitate to think what would happen if God wearied of mankind." How long, Lord? How long will You endure a wayward people and withhold judgment? How long can we as a people continue in our greed and moral anarchy before we destroy ourselves? Deliver us from preoccupation with the symptoms and make us wise to attack the cause. Grant us the gift of repentence and call us to righteousness, Patient God. We pray in the name of the Holy One. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, November 4, 1987.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
*President pro tempore.*

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the acting majority leader.

## RESERVATION OF LEADERS' TIME

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the majority leader and minority leader be reserved for their use later today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 9:20 a.m., with Senators permitted to speak therein for not to exceed 2 minutes each.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may speak for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RECESSION IS INEVITABLE: LET'S TAKE IT AND MOVE AHEAD

Mr. PROXMIRE. Mr. President, the most common economic fallacy today is that we can avoid a recession as long as the Federal Government follows reasonable policies. This is wrong. We cannot avoid a recession no matter what policies the Congress or the Federal Reserve Board or the President of the United States pursue. We have a free economy, a private economy. One absolutely certain price any society must pay for a free economy is periodic recessions.

It is especially ironic that so many Americans including so many Members of the Congress contend that we can avoid a recession under present circumstances. A recession is coming. Present economic circumstances will make it worse. We cannot avoid it. Here's why:

First, for 5 years this country has enjoyed continuous economic growth. This constitutes the longest period of economic growth in our peacetime history. We have found over and over again that recoveries run out of steam. Why? Because consumers satisfy their need for increased housing, more autos and other goods. The debt that finances these purchases becomes too heavy. As the recovery goes on, consumers save less. They therefore have less available to spend and invest. At the present time each of these negative factors apply. The recovery has run its course and then some. Consumers have already run up record debt. Consumer savings have diminished more sharply in relationship to income than at any time in memory. But how about all the happy short-term economic statistics? Aren't inventories down? Won't it take more production to rebuild those inventories? Won't we need more workers to provide that production? Housing permits are up. Isn't that a certain forerunner of more housing construction? Doesn't this mean more production and more jobs in the near future? Both inflation and interest rates are running far below their levels of 5 or 6 years ago. All together doesn't this mean that recovery is likely to go on a while longer? Sure, it does. Recession probably will not strike this year. Maybe not next year. But strike it will, and sooner rather than later. Keep in mind, there is no Government policy short of giving up our economic freedom—which most of us would fight to prevent—that can stop the absolute certainty that recession will come.

Second, can't we delay? Can we not put off the recession? The usual means of delaying recession by Government action will be much less effective this time. What is the prime way the U.S. Government has postponed recession, or lifted the country out of recessions? Answer: Counter cyclical fiscal policy. That simply means the Government makes up for declining demand in the economy by reducing taxes, and increasing Government spending. It puts some of the unemployed to work and increases their in-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

comes with Government job programs. It provides emergency funds to bail out financial institutions that lend to farmers, to insolvent businesses and to strapped homeowners who can't meet their mortgage payments. Put another way, the Federal Government pushes the country out of recession by deliberately increasing the deficit. Much of this is automatic. The Federal deficit rises because tax revenues fall as the recession drives down personal and business income.

Third, a recession is coming on sooner if the Congress resolutely and rightly reduces the deficit. This deficit reduction is bound to reduce demand as the Congress increases taxes—thereby taking more out of the economy as the Congress cuts Federal spending thereby putting less into the economy. After all, why did we have this longest recovery in the peacetime history of our country? One prime reason: The Federal Government stimulated the economy by running colossal deficits for every one of the recovery years. That exercise in irresponsibility was without precedent in peacetime. It promoted a recovery precisely paralleling the years of massive budget deficits. Anyone who believes that as the Congress brings the deficits under control, the recovery will continue is dreaming. Does it follow that we should continue the excessive deficits? Of course, not. To do so would be like a family that has pushed itself head over heels in debt and continues living beyond its means right up to and into bankruptcy. The country will suffer a recession no matter what it does. And, yes, the sooner we reduce the deficit, the sooner we bring on recession. But the recession will be shorter and less painful, the sooner we take it on.

Fourth, any notion that the Federal Reserve can bail out the economy by flooding the country with easy credit to keep down interest rates is another empty dream. As former Fed Chairman William McChesney Martin liked to say: "You can't push a string." You cannot persuade people who have lost their jobs or fear they will lose their jobs to borrow for a $50,000 mortgage no matter how low the interest rate. But in the process of flooding the country with credit, the Fed can inflate the currency and drive up prices. As prices rise interest rates will also rise. This has been the course of events in every country that has tried to bail its way out of enormous debt by increasing its money supply.

No, Mr. President, we cannot avoid a recession. We have to face it squarely and take it. The sooner we do that, the sooner we begin to save more, the sooner we reduce our debt, the sooner this great world-dominating economy of ours will find its way back.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 6 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## WHERE WILL WE GET OUR SCIENTISTS AND ENGINEERS TOMORROW?

Mr. GRASSLEY. Mr. President, I rise to bring to the attention of my distinguished colleagues a major problem for our Nation—and to pose the question—will we have the scientists and engineers to maintain our world leadership in scientific knowledge?

Over the years, our universities have emphasized the expansion of scientific knowledge as well as its application. This double role is unique, for in contrast in Europe and Japan the emphasis has been much more on the discovery of scientific knowledge rather than its application.

Our system's dual role, along with the special opportunities our American schools and Nation offer, have drawn foreign students from around the world to study science, especially at the graduate level. Unfortunately, we have not attracted large numbers of our own American students to the study of science.

The National Science Foundation reports that foreign students received 28 percent of all science and engineering doctorates in the United States in 1986. Of these 8 out of 10 take their degrees home to become our competitors, leaving America with an expected 10-percent shortage of scientists, engineers and university professors in these fields at the end of this decade.

To be more specific, in 1985, 57 percent of engineering doctorates nationwide were earned by foreigners. Foreign students also received 43 percent of the doctorates in mathematics, 37 percent of doctorates in computer science and 37 percent of all agriculture science doctorates. Last year at the University of Iowa there were more graduate students from Taiwan—38 of them—than from the United States—only 28 American citizens—working toward their masters and doctorates in statistics. At Iowa State University 20 of the 41 graduate students in agriculture engineering were foreign students.

Last year it was reported by the president of Grinnell College, George Drake, that a survey of freshmen revealed more than a 50-percent drop of those intending to major in science from the past 10 years.

The proportion of the American citizens in a college graduating class majoring in the sciences and engineering is smaller today than it was in the 1970's. The National Science Foundation reports that foreign students have accounted for nearly 85 percent of the growth in full-time graduate enrollment in our doctorate-granting institutions in the last decade.

Compared to other industrialized nations, the United States awards the smallest proportion of baccalaureate degrees in the science and engineering fields. At the doctoral level, the United Kingdom and France have higher concentrations of degree recipients in the natural sciences than does the United States. Japan awards a higher proportion of engineering degrees than do we.

John Carlson in the Des Moines Register reports that an average-sized university in Shanghai is graduating 100 people with B.S. degrees in physics every year. There is not a single university in the United States that can match that.

Ironically Federal support for research and development has nearly doubled since 1980. What is our problem? How serious is it?

Eric Block, Chairman of the National Science Foundation sees links between research, education, and the welfare of our Nation. And I quote from his March 12, 1987, testimony before the Subcommittee on HUD-Independent Agencies of the Committee on Appropriations:

> We have realized that if we want to compete successfully as a nation, the most important thing is to stay ahead of our competitors in continually generating new ideas, through basic research, and turning them into high quality, innovative products and services for the market place. Many forces, must come together to achieve economic competitiveness, but a prerequisite is a viable infrastructure that is capable of educating our people and generating new knowledge * * *. Well trained people are the source of the ideas and knowledge which make technological innovation possible.
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> We must continuously attract the most talented young students into science and engineering programs. Interruptions in this process takes years, even decades to overcome.

We need to look back at what has happened to the university and college science programs. Enrollments in higher education from the 1960's to the mid-1970's were high in sciences. Colleges and universities added significant numbers of science faculty during those years; however, at the same time, these same institutions were putting off maintenance and repair of their facilities and were not able to acquire as much modern scientific equipment as they needed to do their work because of budget constraints.

These two situations are now part of the problem:

First, the large number of faculty who were hired then will begin retiring in the early to mid-1990's and will need to be replaced at the same time that we will have a shortage of qualified scientists and engineers.

Second, as the equipment and the facilities at universities became more dated, our own U.S. scientific industries developed better research capabilities. This phenomenon has also contributed to our shortage of scientists and engineers by enticing students with bachelor's degrees in science or engineering into the work force rather than pursuing advanced degrees.

When interviewed, recent graduates indicate they feel that the extra effort and time involved in pursuing advanced degrees does not outweigh the opportunity to receive a good salary and do research with private industry.

The problem, of course, goes much deeper than the two historical developments that I've mentioned. There will be a decline in the college-age population of 18- to 24-year-olds in the next decade. A drop of college enrollments of 12 to 16 percent between now and 1995 is projected. This means that unless a greater proportion of the undergraduate population is attracted to the sciences and engineering than ever before, the number of future degrees in these fields will decline. Just to maintain present numbers, we may have to increase the attraction rate by as much as 50 percent.

This smaller number of students entering college may bring with them a very inadequate science background. It is reported by Dr. Leroy Lee, president of the National Science Teachers, that many of the junior and senior high school teachers have been teaching science with a poor science background, no background, or a very dated background. He reports 51 percent of elementary teachers do not even have a college science course and that only 15 percent of elementary teachers feel qualified to teach science. Many schools have very poor science equipment and the teachers have classes that are too large. This brings the student to college ill-prepared. Nevertheless, some will still want to pursue science or engineering. Unfortunately, these people will face yet another obstacle.

During these college students' first 2 years, most of their science instructors will be teaching assistants—students working on advanced degrees. And because there is a lack of American students at this level, many of the teaching assistants will be foreign students.

Not only do these teaching assistants have little or no background in teaching and motivating students, but many also have different cultural backgrounds.

This has presented problems for female students who are not considered equal for research teams or projects by those whose culture does not see a woman's role in the same way as a man's. This discourages some women from continuing on in science. We must encourage women students as they are a very important resource to fill the needed pool.

Students report that it is difficult to understand the English of foreign teaching assistants, and therefore drop those courses and majors because the communication barrier increases the difficulty in learning the scientific concepts.

Problems are not developing: let me illustrate.

The U.S. Department of Defense, which cannot hire foreigners, anticipates a 10 percent shortage of scientists this year to conduct classified research.

We are not producing enough Ph.D.'s to meet the natural attrition of science and engineering faculty.

Because our supply of scientists is limited, we do not have enough scientists to provide for both private industry research and development, as well as the broader, more universally shared university research. Therefore, our competitors are rapidly catching up with the United States in the proportion of their labor force devoted to research and development. Japan has doubled its technical work force in the last two decades. In 1982 Japan produced more engineers—in absolute numbers—with a population that is only half of the United States total. India has increased its number of scientists and engineers tenfold in the last two decades.

Blacks and Hispanics represent 20 percent of our total population but account for less than 2 percent of doctoral degrees in the physical sciences and engineering. By 2020, these minorities groups will constitute one-third of the population and must become, just as females must become, a part of the scientific pool if we are to utilize all of our natural human resources.

Some solutions lie in:

Improving elementary, secondary and undergraduate science education for all students at all levels. We must interest students in math and science at a very young age and continue to insist that we have fully qualified math and science teachers for all students and provide up-to-date scientific equipment suitable for each level.

Encouraging American students to enter undergraduate science programs and remain in post baccalaureate degree programs. Starting at an early age children need to be exposed to scientific experiences and students throughout their education need encouragement by parents and teachers to explore the possibilities of careers in science. We should focus national attention on the need for research scientists.

Continuing to improve our research opportunities with high quality instrumentation and facilities. The 1985 President's Commission on Industrial Competitiveness reported the average age of instrumentation in our Nation's universities is twice that used in industrial laboratories. Business partnerships, involvement of industry and Federal assistance will be needed to change this.

Improve the reward system for those going into teaching at all levels. We must change the perception that many other careers are better and more rewarding. This may be accomplished through higher salaries, better working conditions and a campaign to reinforce the importance and stature of the teaching profession at all levels.

We must all understand this situation and give our attention to these problems, because if we choose not to address these serious concerns our status as the world's leader in science and knowledge will continue us on a course of becoming a second-rate nation.

## THE GINSBURG NOMINATION

Mr. LEAHY. Mr. President, the Senate Judiciary Committee is going to have before it soon a nomination for the Supreme Court. This is a nominee of which little is known. Because we know so little about Judge Ginsburg, every time any item comes forward, it takes on a significance probably out of proportion. I urge my colleagues not to start rushing to judgment, not to decide that they are going to vote for or against this nominee based on one item or two items.

I intend to reserve judgment. I have not seen any item that has come in the news that would cause me to vote against the President's nominee, and I will decide whether I will vote for him based on what I hear in the Senate Judiciary Committee.

I urge my colleagues to understand that when you have a man about whom little is known, when something does come forward, it tends often to be blown out of proportion. I hope that all Senators will resist the temptation to immediately be for or against this man and wait until they have had a chance to hear the hearings that I am sure will be thorough and fair, where Republicans and Democrats will have a chance to speak and ask questions and where the record will be made.

## THE BUDGET PACKAGE

Mr. DOLE. Mr. President, I will just take a couple of minutes to make the point that those of us who have been meeting, trying to come together on some budget package, will meet again today at 11 o'clock. I think there is a feeling that we need to reach some conclusion soon, hopefully this week. At least that is my feeling. It seems to me everybody has been working very hard. Those of us who are not involved in the nitty-gritty work have been

there from time to time as observers and to contribute where we can.

But I do believe, unless we take some action soon, that there is going to be a feeling—not only on Wall Street, but around the country, and around the world—that we are just not going to come to grips with this very serious problem.

There have been all kinds of proposals discussed in this budget group. We are not at liberty to give details of those proposals. But it would seem to me that there are enough of us attending those meetings, Republicans and Democrats and representatives from the White House, that we ought to be able to come together very quickly on a multiyear plan that would substantially reduce the deficit over that 2-year period.

I hope that we can have some agreement before Friday. And I hope that those representing the President would be in a position to make some judgments; or, even better, that the President might call the group together or call the leaders together. Then he could indicate to us and we could indicate to him a willingness to do what we need to do to make certain the American people will be reassured we can act in a bipartisan way on the deficit.

So, Mr. President, I hope that we can conclude action this week. I am afraid if we go over into next week, it may be perceived as an unwillingness on the part of the Congress and the Executive to face up to one of the tough issues of our time.

Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. The Senator reserves the balance of his time.

## S. 1835—THE INDIVIDUAL APPROPRIATIONS ACT

Mr. ROTH. Mr. President, I rise today to join my distinguished colleague from Washington, Senator EVANS, as an original cosponsor of legislation that I believe is vitally important—The Individual Appropriations Act. This legislation would give the President the much needed ability to veto individual appropriations bills contained in a long-term continuing resolution.

All too often the Congress sends the President a continuing resolution which contains most, if not all, of the regular appropriations measures. Last year alone the continuing resolution totaled more than $500 billion—over half our entire Federal budget. With increasing frequency the President is presented with the option of signing the continuing resolution, filled with pork-barrel spending and nongermane legislation, or vetoing the legislation and shutting down the Federal Government. This seems to me an unfair choice.

The legislation would operate for a 2-year trial period and strengthen the President's hand in reducing the Federal deficit. Presented with the opportunity to veto individual spending measures, the President would be able to back up his policy of fiscal restraint with the veto pen.

While the President's advisors meet with congressional leaders to formulate a deficit reduction package, I think it is important that the Congress examine the budget process as a whole. As the major proponent of biennial budgeting and a very strong supporter of the line-item veto and balanced budget amendment, I believe the Congress and President can, and should, agree on procedural reforms that will help to reduce the deficit.

This is not to say that procedural reforms are the answer. Real deficit reduction will require difficult choices in terms of reduced spending. But built-in budget processes do allow big spenders in Congress the opportunity to include pork-barrel spending projects in massive continuing resolutions. If the Congress is going to become more accountable, then we must change the budget process.

Mr. President, I look forward to working on the budget process. I am not under the allusion that budget reform will solve our problems. But I am a firm believer that process reform can help. I am pleased to join Senator EVANS as a cosponsor of this legislation and believe it can help in our effort to keep the deficit down.

## CONGRESSIONAL CALL TO CONSCIENCE STATEMENT ON SOVIET JEWRY AND THE MAGARIK FAMILY

Mr. MATSUNAGA. Mr. President, as part of the Union of Councils of Soviet Jews' ongoing campaign to publicize the plight of the much persecuted Jewish minority in the Soviet Union, I rise to express my concern over the Soviet Government's intransigence on the issue of Jewish emigration. General Secretary Gorbachev has made Western headlines by infusing Soviet arms control negotiations with a new sense of imagination and flexibility—the prospective treaty on intermediate nuclear forces is a case in point. Domestically, too, the new Soviet leader seems to have given new energy to a static, moribund state with calls to reconstruct society and government along more open, efficient lines. But I am concerned that the spirit of glasnost and Perestroyka has not seemed to affect Soviet policy toward Soviet Jewish emigration.

Mr. President, my colleagues know that there are an estimated 400,000 Soviet Jews who have expressed a desire to leave the Soviet Union. But, under current emigration policy, the Soviets consider the applications of a mere fraction of that number, and permit even less to leave. Indeed, at current emigration rates, the Soviets will permit only 7,000 Jews to leave the U.S.S.R. this year—far below the peak of 51,000 in 1979. And most of those lucky enough to receive permission to leave are taken from a select, if distinguished, list of well-known refuseniks. It seems that the Soviet practice is to permit those Soviet Jews such as Anataoly Shcharansky, who are potential lightning rods of Western attention, to leave, thus ridding Soviet authorities of an unwelcome problem. Unfortunately, the applications of hundreds of thousands of lesser-known Soviet Jews are ignored, or used as the basis for persecution.

Mr. President, a common illustration of Soviet policy toward Jewish emigration is the case of the Magarik family. Alexey Magarik, a 29-year-old cellist, has no permanent position as a musician. Since the late 1970's he has participated in various unofficial Jewish musical groups which specialize in Hassidic and modern Israeli songs. His wife, Natalia, has been trained as an electrical engineer but has never worked in her profession. They have a small infant, Chaim, who turned 2 years old earlier this month. The family applied for exit visas to Israel in 1983, but were refused without any explanation other than the cryptic phrase: Your emigration from the U.S.S.R. is not justified at the present time."

Mr. and Mrs. Magarik's exit visas were denied presumably because of Alexey Magarik's desire to associate himself with the culture and music of his heritage. The fact that both Alexey and Natalia have signed petitions demanding free repatriation of Jews to Israel must have further prejudiced their applications in the eyes of Soviet emigration officials.

For these heinous crimes—that is to say, being a Jew participating in Jewish cultural life, exercising the universal right of free, peaceful expression, and applying to emigrate—Magarik was arrested at Tbilisi Airport in March 1986. He was charged with possessing and disseminating illegal drugs—drugs Soviet investigators asserted that all Jews must use on Shabbat because they are commanded to do so by Jewish ritual. After a sham investigation, in which Magarik's fingerprints were not taken to compare with those found on the drugs allegedly found in his possession, he was sentenced to 3 years in prison. Two months later, while picking tea as a prison slave laborer, Magarik collapsed. He was then transferred to another prison camp in Siberia. Magarik stayed there until his early release about a month ago in September.

Since that time, he has been living in Moscow.

I use the Magarik family as an example because the Hawaii Action Committee for Soviet Jews, sponsored by the Jewish Federation of Hawaii, has randomly targeted them for attention, and because the Governor of Hawaii, the Honorable John Waihee, himself, as honorary chairman of the committee, wears a refusenik bracelet with the name of Alexey Magarik engraved on it. But the Magariks are typical of thousands of other Jewish families and individuals who, for whatever reason, seek to leave the country of their birth but cannot do so because of a repressive emigration policy, a policy not in keeping with commonly accepted standards of human rights.

Mr. President, we need to redouble our efforts to pressure the Soviets to increase their Jewish emigration quotas. We should make it absolutely clear to General Secretary Gorbachev that one of the measures by which the U.S. judges the sincerity of his commitment to improved superpower relations is progress on the Jewish emigration question. We ourselves are a nation of immigrants, many of whom were motivated to leave their native lands for the same reasons which impel Soviet Jews, at great risk of persecution, to seek a life outside the Soviet Union. Therefore, it is incumbent upon us to lead the way in extending that basic right of all human beings, the right of free movement, to all who seek to exercise that right. We must continue to serve as a beacon of hope for the thousands upon thousands of Soviet refuseniks who search for a better life, or risk losing that right ourselves someday.

Thank you, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask that morning business be closed.

The ACTING PRESIDENT pro tempore. If there is no further morning business, morning business is closed.

## EXTENSION OF SEMICONDUCTOR CHIP PROTECTION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the House message on S. 442, which the clerk will report.

The legislative clerk read as follows:

The motion to concur in the House amendments to S. 442, entitled "an act to amend section 914 of title XVII United States Code, regarding certain protective orders."

The Senate resumed consideration of the motion.

Mr. LEAHY. Mr. President, I thank the distinguished majority leader for making certain this matter would come up this morning. I understand the majority leader has already moved that the Senate concur in the House amendments on this matter. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. And the yeas and nays have been ordered?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. I thank the Chair and I thank the majority leader for providing us time.

Mr. President, I will discuss a couple of aspects of the Semiconductor Chip Protection Act. I know that Senator THURMOND may also wish to speak on this matter. I am doing this to explain to my colleagues what it is we are going to be covering this morning.

Mr. President, in 1984, Congress passed the Semiconductor Chip Protection Act, a law that protected the semiconductor chip designs developed here in the United States by America's high-technology companies.

Before the Chip Act, there was no stopping foreign pirates from appropriating the designs that are at the heart of these miniscule electronic switches and a worldwide computer revolution. Now, our law is a critical tool for promoting international comity in the protection of intellectual property.

Mr. President, the act says that the United States can carry out technological advantages well into the 21st century. We have shown the rest of the world that we are able to design the best of semiconductor chips. We provide the expertise, the skills, the knowledge, the innovative genius for these chips, and then often see somebody who has not provided any of that in foreign countries simply come in and copy and steal our designs and get away with it.

What we are saying now is, if the United States—if Government, if industry—invests the billions of dollars necessary to keep that technological genius flourishing in designing the technology to go into the 21st century, if we are there first, we will reap the benefits of it. Worldwide pirates cannot simply come in and steal what we have spent so much time, effort, and genius in developing. Then the United States will be able to maintain the technological lead which all of us feel is necessary.

Certainly representing the State of Vermont, which has become more and more a high-technology State, I know the importance of this.

The U.S. chip law protects foreign nations only to the extent that they provide reciprocal protection for American chips. That permits the Secretary of Commerce to extend interim protection to chips made in countries making good faith efforts toward laws protecting American chips.

Once a nation enacts a law protecting our chips, the President may issue a proclamation granting an extended term of protection to that nation.

On June 26 of this year, the Senate unanimously approved S. 442, the Semiconductor Chip Protection Act Extension of 1987. The legislation extends the provision of the 1984 Chip Act that permits the Secretary of Commerce to issue interim protection. Without this legislation, that provision would sunset on November 8. This carrot and stick approach has been very successful and should be extended.

Today, the Semiconductor Chip Protection Act extension is once again before this body. It has been revised in the House of Representatives. I had the good fortune of working with Congressman ROBERT KASTENMEIER on these revisions. Congressman KASTENMEIER was a principal architect of the 1984 act and introduced a bill similar to S. 442 in the House. As always, it was a pleasure to work with such an expert on intellectual property.

This bill extends the Secretary's authority to issue interim protection until July 1, 1991. At that time, the Congress may very well decide that a new extension is not necessary. We may no longer need additional bilateral arrangements. Many of us hope that the nations of the world will have implemented a multilateral treaty protecting semiconductor chips by that time. I am glad to note that the United States has offered to host a diplomatic conference in Washington in late 1988 in an effort to devise an effective international treaty to protect chips.

Let me describe briefly changes we have made to the Chip Extension Act since the Senate passed S. 442 in June. The House added findings that support the need to extend the Secretary's interim authority, highlight the fact that most industrial nations have made progress toward enacting laws protecting chips and are eligible for interim protection, encourage an international treaty fostering the protection of chip designs, and affirm that a Presidential Proclamation issued pursuant to this bill should be revoked if the level of protection afforded U.S. chips in a foreign country changes.

The House retained the Senate provision amending section 902 of title 17. That section of the 1984 Chip Act enables the President to issue extended protection to nations that enact laws protecting U.S. chips.

Unfortunately, we have learned that in today's semiconductor market there are nations that might, and in fact do,

misuse the privileges made available to them. The Senate added this language to encourage the President to monitor diligently the faithful enforcement of the Chip Protection Act. It clarifies that he may suspend, revise or revoke a proclamation that grants a nation an extended term of protection. It puts teeth in the law. It also clarifies that he may impose any conditions or limitations on that privilege. By codifying this inherent power of the President, we mean to send a clear signal to recipient nations: They have an ongoing responsibility to comply in good faith with American law and must faithfully enforce the chip laws that enabled them to earn the President's confidence in the first place.

In other words, we want to have open and free trade with other countries. We are all going to play by the same rules. Foreign nations cannot expect American corporations to play by the rules, but not have them enforced on them. They cannot say that Americans are going to have to develop the techniques, the genius, the expertise, make the investments, and then just come in and steal what they want. The Chip Act says that we are all going to play on a level playing field.

Mr. President, I have no doubts that, given a level playing field, the United States is able to compete with any nation in the world, and that is what we are asking for in this bill.

The bill sent over from the House contains one particularly valuable addition. It requires the Secretary of Commerce, in consultation with the Register of Copyrights, to report to the Congress in July 1990 on the status of international laws protecting semiconductor chips. The Commissioner and Register presented such a report to the Congress last November and it proved extremely valuable. The committees overseeing the Semiconductor Chip Protection Act will undoubtedly benefit from an updated version of the report when we revisit this issue in the 102d Congress.

Mr. President, S. 442 is cosponsored by Senators DECONCINI, HATCH, and HUMPHREY. It has the support of the ranking member of the Judiciary Committee, Mr. THURMOND. I urge my colleagues to join me in supporting this measure.

Mr. President, I had understood that the distinguished ranking member may wish to speak and I know that time is available until 9:30. I also know that the distinguished majority leader, a man who has the least enviable job in all of Washington, has to run this place of 100 on time. Now, running the Nation's railroads, the Nation's airlines, the Nation's bus services, the Nation's computer networks on time, that is easy. But to run 100 U.S. Senators on time has to be that kind of an olympian task that was never comtemplated before. Sisyphus had it easy compared to the job that the distinguished majority leader has. In fact, Sisyphus could probably see results easier sometimes than the distinguished majority leader might.

So I mention this only to alert everybody. I expect we are going to have this vote at 9:30, and I ask unanimous consent that if anybody wants to include remarks as though read, prior to the vote, they be allowed to do so.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I rise in support of S. 442 which amends the Semiconductor Chip Protection Act of 1984. The Judiciary Committee unanimously approved the bill in April of this year and it was unanimously passed by the Senate on June 26, 1987.

Under the 1984 act, design protection is extended to semiconductor chips from foreign countries if that country provides design protection for chips owned by U.S. manufacturers which is similar to that provided by the United States. In order to encourage countries to change their laws, the act gives the Secretary of Commerce the authority to grant interim protection to chips from those countries that are making progress in changing their laws. The Secretary's authority expires on November 8, 1987. The bill as passed by the Senate would have extended that authority for 3 years. Under this bill, as passed by the House, the Secretary's authority would be extended for 3½ years.

Passage of this bill will ensure that chips from those countries that have been granted interim protection by the Secretary will continue to receive this protection as they continue to work to change their laws in this area. It will also encourage other countries to take steps to provide this important protection. This legislation is supported by the administration as well as representatives from the semiconductor chip industry. It is important that we act on this legislation before the current authority of the Secretary expires. I urge my colleagues to support this bill.

Mr. BYRD. Mr. President, in view of the fact that the distinguished Senator from Vermont has already gotten consent for any Senator to include his speech, I ask unanimous consent that even though the rollcall vote will begin now, that the call for the regular order not occur automatically until the hour of 10 a.m. unless all Senators voting have already responded prior to that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the motion to concur in the amendments offered by the House to S. 42.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. PRYOR] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 366 Leg.]

YEAS—96

| | | |
|---|---|---|
| Adams | Garn | Mikulski |
| Armstrong | Glenn | Mitchell |
| Baucus | Gore | Moynihan |
| Bentsen | Graham | Murkowski |
| Biden | Gramm | Nickles |
| Bingaman | Grassley | Nunn |
| Boren | Harkin | Packwood |
| Boschwitz | Hatch | Pell |
| Bradley | Hatfield | Pressler |
| Breaux | Hecht | Proxmire |
| Bumpers | Heflin | Quayle |
| Burdick | Heinz | Reid |
| Byrd | Helms | Riegle |
| Chafee | Hollings | Rockefeller |
| Chiles | Humphrey | Roth |
| Cochran | Inouye | Rudman |
| Cohen | Johnston | Sanford |
| Conrad | Karnes | Sarbanes |
| Cranston | Kassebaum | Sasser |
| D'Amato | Kasten | Shelby |
| Danforth | Kennedy | Simpson |
| Daschle | Kerry | Specter |
| DeConcini | Lautenberg | Stafford |
| Dixon | Leahy | Stennis |
| Dodd | Levin | Stevens |
| Dole | Lugar | Symms |
| Domenici | Matsunaga | Thurmond |
| Durenberger | McCain | Trible |
| Evans | McClure | Warner |
| Exon | McConnell | Weicker |
| Ford | Melcher | Wilson |
| Fowler | Metzenbaum | Wirth |

NOT VOTING—4

| | |
|---|---|
| Bond | Simon |
| Pryor | Wallop |

So the motion to concur was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, what is the order for the moment?

The ACTING PRESIDENT pro tempore. There is nothing pending.

## ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

Mr. BYRD. Mr. President, under the order previously entered, having already consulted with the distinguished Republican leader, I ask that the Chair lay before the Senate the energy and water appropriations bill, H.R. 2700.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2700) making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2700

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1988, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, [$148,712,000] *$141,450,000,* to remain available until expended: [*Provided,* That funds are included to be used for the feasibility study for the multiple purpose project at Sunset Harbor, California, including analysis pursuant to sections 904 and 907 of Public Law 99-662:] *Provided, That not to exceed $21,500,000 shall be available for obligation for research and development activities.*

[Using funds previously appropriated in the Energy and Water Development Appropriation Act, 1987, Public Law 99-591, the Secretary of the Army is directed to undertake the following study: Indiana Shoreline Erosion, including preconstruction engineering and design, Indiana.

[The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1988:

[Greenwood Lake, New Jersey;

[East Bank Stabilization, New Jersey;

[Beatties Dam, New Jersey;

[Olcott Harbor Improvements, New York;

[Atlantic Coast of New York City from Rockaway Inlet to Norton Point, New York (Coney Island Area);

[Red River Waterway, Shreveport, Louisiana to Index, Arkansas;

[Beaver Lake, Arkansas;

[Brunswick County Beaches, North Carolina;

[Westwego to Harvey Canal, Louisiana;

[McCook and Thornton Reservoirs (CUP), Illinois;

[Hillsboro Inlet, Broward County, Florida;

[Miami Harbor, Florida (cleanup);

[St. Petersburg, Florida (coastal areas); Little River, Horatio, Arkansas.

[The Secretary of the Army is directed to expand the scope of the Denison Dam-Lake Texoma, Texas and Oklahoma, General Investigation study, authorized by United States Senate Public Works Committee Resolutions on April 30, 1960, and April 12, 1965, to consider alternatives for improving management and utilization of water resources of the Red River Basin at and above the Denison Dam-Lake Texoma project and to include consideration of the feasibility of additional reservoirs upstream of Denison Dam and direct current interconnections between the Southwest Power Pool and the Electric Reliability Council of Texas.

[The Secretary of the Army shall allocate $300,000 to the RedArk Development Authority, a non-profit natural resources development organization located in McAlester, Oklahoma, for the continuation of the development, testing and application of the Water Resources-Based Economic Development Computer Model.

[The Secretary of the Army shall allocate $400,000 to Rural Enterprises, Inc., a nonprofit organization located in Durant, Oklahoma, for the purpose of establishing a demonstration project for technology transfer of unclassified Corps of Engineers developed technology for and in coordination with the Federal Laboratory Consortium for Technology Transfer pursuant to section 10(e)(8) of Public Law 96-480, as amended by Public Law 99-502; the expenditure of such funds to be credited toward the Corps of Engineers contribution to the Federal Laboratory Consortium, as required pursuant to section 10(e)(7) of Public Law 96-480, as amended.

[Funds are included herein for the Arthur Kill extension to Fresh Kills, near Carteret, New Jersey, to continue the ongoing post authorization planning, engineering and design provided that the level of detail shall be commensurate with General Design Memorandum level so that at the conclusion of the current effort and Secretary of the Army approval under section 202(b) of Public Law 99-662, only the preparation of plans and specifications will be necessary before construction.]

*The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1988:*

*Olcott Harbor Improvements, New York;*

*Atlantic Coast of New York City from Rockaway Inlet to Norton Point, New York (Coney Island Area);*

*Red River Waterway, Shreveport, Louisiana to Index, Arkansas;*

*Miami Harbor, Florida (cleanup);*

*St. Petersburg, Florida (coastal area);*

*Westwego to Harvey Canal, Louisiana.*

*The Secretary of the Army shall allocate $395,000 to continue preconstruction engineering and design and develop and execute a local cooperative agreement covering all elements of the Roanoke River Upper Basin, Virginia project as described in the report of the Chief of Engineers dated August 5, 1985 and authorized in section 401(a) of the Water Resources Development Act, 1986 (Public Law 99-662).*

*Using funds previously appropriated in the Energy and Water Development Appropriation Act, 1987, Public Law 99-591, the Secretary of the Army is directed to undertake the following study: Indiana Shoreline Erosion, including preconstruction engineering and design, Indiana.*

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), [$1,150,142,000] *$1,046,446,000* of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterway Trust Fund, to remain available until expended, and of which not more than $7,000,000 shall be available to pay the authorized governing body of the Tohono O'odham Nation in accordance with the provisions of section 4(a) of Public Law 99-469; [and in addition, funds are included for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, for work presently scheduled and the Secretary of the Army is directed as a minimum to award continuing contracts in fiscal year 1988 for construction and completion of each of the following features of the Red River Waterway: in Pool 3, Nantachie/Red Bayou Revetment Extension and Crain and Eureka Revetments; in Pool 4, Gahagan, Piermont, Nicholas, and Howard Realignments and Coushatta Capout. None of these contracts are to be considered fully funded. Contracts are to be initiated with funds herein provided.

[The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1988:

[Sandy Hook to Barnegat Inlet, including Sea Bright to Ocean Township and Asbury Park to Manasquan, New Jersey;

[New Melones Lake, California;

[Barbourville, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia and Kentucky);

[Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia and Kentucky): *Provided,* That no fully allocated funding policy shall apply with respect to the construction of Barbourville, Kentucky, and Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia and Kentucky);

[Walnut and Cherry Street Bridges, Massillon, Ohio;

[Mill Creek, Fort Smith, Arkansas;

[Cape May Inlet to Lower Township, New Jersey;

[Ouachita River Levees, Louisiana;

[Gentilly, Minnesota;

[Century Park, Lorain, Ohio;

[Community Park, Sheffield Lake, Ohio;

[Tangier Island, Virginia;

[Port Austin Harbor, Michigan.

[The Secretary of the Army is directed to accomplish channel rehabilitation, repair and rehabilitation of fourteen pump stations and appurtenant works, and rehabilitation and replacement of bridge structures in the vicinity of the East Side Levee and Sanitary District in East St. Louis, Illinois, by awarding continuing contracts at an estimated cost of $25,000,000 in fiscal year 1988; the acquisition and costs for all necessary real estate interests will be the responsibility of non-Federal interests.

[The Secretary of the Army, using funds provided by this Act, is directed to initiate construction of the Parker Lake Project, and is directed, as a minimum, to award continuing contracts in fiscal year 1988 for construction and completion of construction of the access road and project office and the purchase of necessary land for the Parker Lake Project.

[The Secretary of the Army, using funds provided by this Act, is directed to construct at full Federal expense the Mud Creek Bridge Replacement Project at Eufaula Lake, Oklahoma.

The Secretary of the Army is authorized and directed within the sum of $11,000,000 herein appropriated to carry out the provisions for the Cleveland Harbor, Ohio, project contained in Public Law 99-662, including bulkheading and other necessary repairs at Pier 34 and approach channels and necessary protective structures for mooring basins for transient vessels in the area south of Pier 34 with necessary material to fill the area between Pier 34 and Pier 36 with remaining fill to be disposed in the existing containment site 14. The Corps of Engineers shall also conduct a study pursuant to section 922 of the Cuyahoga River and provide technical assistance for harbor modification to the Cleveland-Cuyahoga County Port Authority. Funds expended by the Ohio Department of Natural Resources beginning with the first quarter of fiscal year 1986 in the area south of Pier 34 shall be considered eligible as non-Federal share consistent with the provisions of section 215 of Public Law 90-483, as amended, for all elements in this appropriation toward the estimated first non-Federal cost of $9,000,000 called for in Public Law 99-662.

[The Secretary of the Army is directed to dredge the Saxon Harbor, Wisconsin, and to construct wood cribs as a permanent solution to the damages being caused by the Federal navigation project under the provisions of section 111 of the 1968 River and Harbor Act, Public Law 90-483, as amended] *and in addition, $103,690,000, to remain available until expended, for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana project, $87,000,000 for work presently scheduled and $16,690,000 with which the Secretary of the Army is directed, as a minimum to award continuing contracts in fiscal year 1988 for construction and completion of each of the following features of the Red River Waterway: in Pool 3, Nantachie/Red Bayou Revetment Extension and Crain and Eureka Revetments; in Pool 4, Gahagan, Piermont, Nicholas and Howard Realignments and Coushatta Capout; and in Pool 5, Cupples Revetment. None of these contracts are to be considered fully funded and contracts are to be initiated with funds herein provided; and in addition, $13,500,000, to remain available until expended, together with funds heretofore or hereafter appropriated, with which the Secretary of the Army is directed to award a single continuing contract for construction and completion of the Cooper River seismic modification, South Carolina project authorized by Public Law 98-63: Provided, That no fully allocated funding policy shall apply with respect to the construction of this project; and in addition, $2,500,000, to be made available to Metropolitan Dade County, Florida, for the purpose of a 50 per centum, cost-shared project, including environmental restoration, establishing public access and a regional public park along the Miami River in the Allapatah community across from Curtis Park.*

*Within available funds, the Secretary of the Army, is hereby directed to construct streambank protection measures along the west shoreline of the city of Guntersville, Alabama, on Guntersville Lake, under the authority of section 14 of Public Law 79-526.*

*The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1988:*

*Sandy Hook to Barnegat Inlet, including Sea Bright to Ocean Township and Asbury Park to Manasquan, New Jersey;*

*Barbourville, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia, and Kentucky);*

*Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia and Kentucky): Provided, That no fully allocated funding policy shall apply with respect to the construction of Barbourville, Kentucky, and Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River West Virginia, Virginia, and Kentucky);*

*Cape May to Lower Township, New Jersey;*

*Ouachita River Levees, Louisiana;*

*Century Park, Lorain, Ohio;*

*Community Park, Sheffield Lake, Ohio.*

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, $26,000,000, to remain available until expended.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), [$326,399,000] *$315,130,000*, to remain available until expended: *Provided*, That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State [Conservationist. In furtherance of the development of the Atchafalaya Basin Floodway System, Louisiana, in accordance with Public Laws 99-88 and 99-662, the Secretary of the Army is directed to acquire necessary interests in real estate for all features of the project, flood control, developmental control, environmental, and public access, beginning at the North end of the basin and proceeding Southerly. With the funds herein provided, the Secretary is further directed to concurrently acquire all real estate interests approved for the project as the acquisition process proceeds in the manner described in the preceding sentence:] *Provided further, That with the additional funds herein appropriated, the Secretary of the Army is directed to expedite the acquisition in fee simple, of lands, excluding minerals, for public access in the Atchafalaya Basin Floodway System, Louisiana, in furtherance of the plan described in the report of the Chief of Engineers dated February 28, 1983, as authorized by Public Laws 99-88 and 99-662.*

Funds provided to the Corps of Engineers are to be used in carrying out advanced engineering and design work on the Helena Harbor, Phillips County, Arkansas, project. The Corps will complete the advanced engineering and design work and be prepared to let a contract for the first phase of the construction not later than October 1, 1988.

*The Secretary of the Army shall allocate $180,000 to the Mississippi River East Bank, Warren to Wilkerson Counties, Mississippi, Natchez Area project to initiate and complete in May 1988 a reevaluation of alternative plans, submission of a draft reevaluation report/Environmental Impact Statement supplement, coordination of report findings with public and other agencies, and completion and submission of the final report in December 1988.*

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; [administration of laws pertaining to preservation of navigable waters;] surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, [$1,413,093,000] *$1,404,738,000*, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which $12,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l): *Provided, That not to exceed $10,000,000 shall be available for obligation for national emergency preparedness programs.* [The Secretary of the Army shall allocate $388,000 to construct at full Federal expense a Water Resources Information and Visitors Center facility at Crowder Point, Eufaula Lake, Oklahoma; and, in addition, shall allocate $159,000 to construct at full Federal expense a Visitors Center facility at the Lake Texoma project in Oklahoma.

The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following project in fiscal year 1988: Sauk Lake, Minnesota.]

GENERAL REGULATORY FUNCTIONS

For expenses necessary for administration of laws pertaining to preservation of navigable waters, $55,262,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer Automation Support Activity, and the Water Resources Support Center, $128,200,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner au-

thorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed $2,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 225 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS

SEC. 101. In section 4(c) of Public Law 99-469, the word "Secretary" is deleted each time it appears and the words "United States" are inserted in lieu thereof.

[SEC. 102. The Secretary of the Army is directed to initiate construction and to reimburse non-Federal interests for work completed in conjunction with the North Branch of Chicago River project in Illinois.

[SEC. 103. Using funds previously provided in the Energy and Water Development Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591), the Secretary of the Army is directed to proceed with development of the Cross-Florida Barge Canal Conservation Management Plan as described in subsection 1114(e) of the Water Resources Development Act, 1986 (Public Law 99-662).

[SEC. 104. A project for flood control along the San Timoteo Creek in the vicinity of Loma Linda is authorized for construction as part of the Santa Ana Mainstem including Santiago Creek Project in accordance with plans described in the San Timoteo Interim II of the Santa Ana Basin and Orange County study. For purposes of economic justification the benefits and costs of the San Timoteo Project shall be included together with the benefits and costs of the entire Santa Ana Mainstem, including Santiago Creek. The total cost for the Santa Ana Mainstem, including Santiago Creek, is to be raised by $25 million.]

*SEC. 102. Section 1124 of Public Law 99-662 is modified to add the following new subsection:*

*"(e) The dollar amounts listed in this section are based on October 1985 price levels. Such amounts shall be subject to adjustment pursuant to section 902(2) of this Act. Total contributions to governments in Canada that are authorized by this section, as adjusted pursuant to section 902(2) of this Act, may fluctuate to reflect changes in the rate of exchange for currency between the United States and Canada that occurred between October 1985 and the time contributions are made.".*

*SEC. 103. The undesignated paragraph under the heading "Puerco River and Tributaries, New Mexico" in section 401(a) of Public Law 99-662 (100 Stat. 4082) is amended by striking out "$4,190,000", "$3,140,000", and "$1,050,000" and inserting in lieu thereof "$7,300,000", "$5,500,000", and "$1,800,000", respectively.*

TITLE II

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, [$17,795,000] *$16,945,000*: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended [$704,233,000] *$699,038,000,* of which [$146,298,000] *$143,143,000,* shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $152,498,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation to the heading: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further, That approximately $5,630,000 in unobligated balances of Teton Dam Failure Payment of Claims funds provided under Public Laws 94-355 dated July 12, 1976, and 94-438, dated September 30, 1976, shall be available for use on projects under this appropriation: Provided further,* That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further,* That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further,* That of the amount herein appropriated, such amounts as may be necessary shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further,* That of the amount herein appropriated, such amounts as may be required shall be available to continue improvement activities for the Lower Colorado Regional Complex: *Provided further,* That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294)[: *Provided further,* That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project, except with respect to fish and wildlife and environmental mitigation costs: *Provided further,* That plan 6 features of the Central Arizona Project other than Cliff Dam, including such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Bartlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation criteria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat. 885; 43 U.S.C. 1501 et seq.)]*: Provided further, That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: Provided further, That Plan 6 features of the Central Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acrefeet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Barlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation critieria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat.885; 43 U.S.C. 1501 et seq.): Provided further, That any funds expended under this Act for the purpose of conserving endangered fish species of the Colorado River system shall be charged against the increased amount authorized to be appropriated under the Colorado River Storage Project Act, as provided by section 501(A) of the Colorado River Basin Act of 1968: Provided further, That notwithstanding the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294), the James River Comprehensive Report on water resource development pro-*

*posals may be submitted to Congress at a date after September 30, 1988, but not later than September 30, 1989.*

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, [$154,797,000] *$154,297,000: Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further,* That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further,* That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956, as amended (43 U.S.C. 422a-422l), including expenses necessary for carrying out the program, [$41,574,000] *$30,809,000,* to remain available until expended: *Provided,* That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That during fiscal year 1988 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed [$40,237,000] *$29,472,000: Provided further,* That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver Engineering and Research Center, and offices in the six regions of the Bureau of Reclamation, [$53,290,000] *$53,690,000,* of which $1,000,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or the Colorado River development fund are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 13 passenger motor vehicles of which 11 shall be for replacement only; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467) and June 27, 1960 (16 U.S.C. 469): *Provided,* That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for plan formulation and advance planning investigations, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided,* That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.).

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided,* That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

[SEC. 205. In accordance with repayment contract No. 9-07-70-W0363, entered into August 29, 1979, as amended December 18, 1981, for the Farwell Irrigation District, contractual party with the Farwell Unit, Middle Loup Division, Pick-Sloan Missouri

Basin Program, and entitled "Contract between the United States of America and the Farwell Irrigation District for Additional Drainage Facilities", the costs of such project allocated to irrigation and drainage shall not be reimbursable. Payments already made under such contract shall be credited against overall payments due the United States.

[SEC. 206. (a) INTENT AND PURPOSE.—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa) is amended by inserting before Section 201 the following:

["SEC. 200. It is the intent of Congress that no individual or legal entity receive irrigation water under this title at less than full cost on more than 960 acres of class I lands, or the equivalent thereof, in which that individual or legal entity has an economic interest, except as otherwise provided in this title.".

[(b) TRUSTS.—The text of section 214 of the Reclamation Reform Act of 1982 (43 U.S.C. 390nn) is amended to read as follows:

["Sec. 214. (a) All trusts established under State or Federal law shall be subject to all applicable provisions of Federal reclamation law, including this title.

["(b) All trusts established under State or Federal law subject to the provisions of this title which receive irrigation water under this title shall be deemed to be a qualified or limited recipient.

["(c) All trusts established under State or Federal law established after June 3, 1987, shall be required to: be in writing; be approved by the Secretary; and, identify and describe the interests of each trustee, grantor and beneficiary.

["(d) Lands placed in a revocable trust shall be attributed to the grantor.

["(e) An individual or corporate trustee holding land in a fiduciary capacity, shall not be subject to the ownership and full cost pricing limitations of this title and the ownership limitations provided in any other provisions of Federal reclamation law.".

[(c) FARM MANAGEMENT ARRANGEMENTS.—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) is amended—

[(1) by redesignating section 230 as section 231; and,

[(2) by inserting after section 229 the following new section:

["FARM MANAGEMENT ARRANGEMENTS

["SEC. 230. (a) Notwithstanding any other provision of law, any individual or legal entity who receives irrigation water and enters into a farm management arrangement, farm services agreement, or any other form of operational relationship shall submit for approval by the Secretary, on such reports or forms as the Secretary deems appropriate—

["(1) the name of the individual or legal entity performing such management or services;

["(2) the legal description of the land subject to such arrangement or agreement; and,

["(3) that such arrangement or agreement conforms with the requirements of subsection (c).

["(b) Failure to comply with subsection (a) or with a request by the Secretary for submission of any such arrangement or agreement shall result in an increase in the cost of irrigation water to the full cost of all irrigation water delivered to such individual or legal entity until such time as the individual or legal entity has complied with the requirements of this section.

["(c) The Secretary may approve a farm management arrangement or farm services agreement or any other form of operational relationship only if—

["(1) such arrangement or agreement is in writing; and,

["(2) under such arrangement or agreement, the individual or legal entity is performing such farm management arrangement or farm services or any other form of operational relationship for a reasonable fee and does not assume an economic interest in the farming operation other than as a beneficiary of a security interest.".

[(d) ADMINISTRATIVE PROVISIONS—EVASION.—Section 224 of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww) is amended by adding at the end thereof the following:

["(g)(1) If a trust, farm management arrangement, farm services agreement or any other form of operational relationship evades the intent or provisions of this title or any other provision of Federal reclamation law, the Secretary shall recast such arrangement, agreement, or trust to reflect the true situation and shall apply a penalty equal to the full cost of all irrigation water which has been delivered to such individual or legal entity less any amount already paid for such irrigation water, plus interest at the rate established for underpayment of tax under section 6621 of the Internal Revenue Code of 1986.

["(2) Any determination by the Secretary under this subsection shall be in accordance with Chapter 5 of title 5 of the United States Code (relating to administrative procedure), subject to an adjudicatory hearing.

["(3) Any trust, arrangement or agreement which has received the approval of the Secretary as required by section 214 or section 230 shall not be liable for the penalty described in paragraph (1) during the period for which such trust, arrangement or agreement was approved, unless such Secretarial approval was obtained as a result of fraud, malfeasance or misrepresentation of fact.

["(4) Nothing in this subsection shall preclude the Secretary from reviewing any trust, arrangement or agreement utilized by an individual or legal entity who receives irrigation water for the purpose of determining compliance with this Act, or Federal reclamation law.".

[(e) EFFECTIVE DATE.—The amendments made by this Act shall take effect upon the date of enactment of this Act. The Secretary is directed to issue any necessary draft regulations to conform past regulations to this section within 30 days and to issue final regulations to implement this section within 120 days of the date of enactment of this Act. Such regulations shall carry out the intent and purposes of this Act, the Reclamation Reform Act of 1982, and Federal reclamation law.]

*SEC. 205. Of the appropriations for the Central Utah project, in this or any other Act, not more than $18,500,000 of the total in any one fiscal year may be expended by the Secretary for all administrative expenses: Provided, That the Inspector General of the Department of the Interior shall annually audit expenditures by the Bureau of Reclamation to determine compliance with this section: Provided further, That none of the Bureau of Reclamation's appropriations shall be used to fund the audit: Provided further, That the Bureau of Reclamation shall not delay or stop construction of the project due to this limitation and shall apply all the remaining appropriations to completion of this project, unless continuation of work on the Central Utah project would cause administrative expenses attributable to the Central Utah project to be paid from funds available for other Bureau of Reclamation projects and thereby delay their construction.*

## TITLE III

## DEPARTMENT OF ENERGY

### ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

[(INCLUDING TRANSFER OF FUNDS)]

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 21 for replacement only), [$2,053,260,000] *$2,056,207,000,* to remain available until expended; [in addition $104,000,000 shall be derived by transfer from Uranium Supply and Enrichment Activities provided in prior years and shall be available until expended;- and of which $57,300,000 which shall be available only for the following facilities: the Institute for Human Genomic Studies at the Mount Sinai Medical Center, New York City; the Center for Applied Optics, University of Alabama in Huntsville; the Center for Automation Technology, Drexel University; the Institute for Advanced Physics Research, Boston University; the Multi-Purpose Center, Boston College; and the Pediatric Research Center at Children's Hospital, Pittsburgh, Pennsylvania; and funds provided for byproducts utilization activities shall be available only for the following regional projects: Florida Department of Agriculture and Consumer Services; Hawaii Department of Planning and Economic Development; Iowa State University; Oklahoma, RedArk Development Authority; Washington, Port of Pasco; State of Alaska,] *and of which $45,000,000 which shall be available only for the following facilities: the Cancer Research Center at the Medical University of South Carolina; the Oregon Health Science University; the Center for Advanced Microstructures and Devices, Louisiana State University; the Center for Science and Engineering, Arizona State University; and the Center for Applied Optics, University of Alabama in Huntsville.*

### URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 26 for replacement only); [$1,162,793,000] *$1,116,000,000,* to remain available until expended: *Provided,* That revenues received by the Department for the enrichment of uranium and estimated to total $1,301,000,000 in fiscal year 1988, shall be retained and used for the specific purpose of offsetting costs incurred by the Department

in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of section 484, of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1988 so as to result in a final fiscal year 1988 appropriation estimated at not more than $0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 22, of which 18 are for replacement only), [$805,998,000] *$824,498,000,* to remain available until expended: *Provided, That within available funds, the Secretary shall commission two independent evaluations of the economic benefits associated with the Superconducting Super Collider and recommendations on a plan that could be used for any State which is awarded the project to raise or to borrow funds to help defray the overall cost of the project.*

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law [97-425] *97-425, as amended by S. 1668, Nuclear Waste Policy Act Amendments Act of 1987, as reported to the Senate on September 1, 1987,* including the acquisition of real property or facility construction or expansion, [$500,000,000] *$360,000,000,* to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the [Secretary of the Treasury] *Secretary of the Treasury. In paying the amounts determined to be appropriate as a result of the decision in Wisconsin Electric Power Co. v. Department of Energy, 778 F. 2d 1 (D.C. Cir. 1985), the Department of Energy shall pay, from the Nuclear Waste Fund, interest at a rate to be determined by the Secretary of the Treasury and calculated from the date the amounts were deposited into the Fund. Funds appropriated pursuant to this Act may be used to provide payments equivalent to taxes to special purpose units of local government at the candidate sites. S. 1668, Nuclear Waste Policy Act Amendments Act of 1987, as reported to the Senate on September 1, 1987, is included herein and shall be effective as if it had been enacted into law.*

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities, [$7,813,284,000] *$7,749,364,000,* to remain available until expended, including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 292 for replacement only including 43 police-type vehicles; and purchase of two aircraft, one of which is for replacement only): *Provided, That none of the funds made available by this Act may be used for the purpose of restarting the N-Reactor at the Hanford Reservation, Washington. For the purposes of this proviso the term "restarting" shall mean any activity related to the operation of the N-Reactor that would achieve criticality, generate fission products within the reactor, or discharge cooling water from nuclear operations.*

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000) [$398,513,000] *$425,195,000,* to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided,* That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further,* That moneys received by the Department for miscellaneous revenues estimated to total $233,896,000, in fiscal year 1988 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1988 so as to result in a [final year] *final fiscal year* 1988 appropriation estimated at not more than [$164,617,000] *$191,299,000.*

## POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,026,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for fish passage improvements at the Umatilla River Diversion and for the Ellensburg Screen Fish Passage Facilities. Expenditures are also approved for official reception and representation expenses in an amount not to exceed $2,500.

During fiscal year 1988, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $27,400,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $16,648,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,625,000 in collections from the Department of Defense from power purchases and not to exceed $1,721,000 in collections from non-Federal entities for construction projects in fiscal year 1988, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase of passenger motor vehicles (not to exceed 3 for replacement only), $258,512,000, to remain available until expended, of which $235,268,000, shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $7,003,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $2,000); $104,000,000, of which $3,000,000 shall remain available until expended and be available only for contractual activities: *Provided,* That hereafter and notwithstanding any other provision of law, not to exceed $104,000,000 of revenues from licensing fees, inspection services, and other services and collections in fiscal year 1988, may be retained and used for necessary expenses in this account, and may remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1988, so as to result in a final fiscal year 1988 appropriation estimated at not more than $0.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $72,000, to remain available until expended: *Provided,* That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 302. Not to exceed 5 per centum of any appropriation made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

*SEC. 305. Section 970.3102-7 of Department of Energy Acquisition Regulations 48 CFR Part 970, issued pursuant to section 1534 of the Defense Authorization Act for 1986, shall not apply to the management and operating contractors for the Department of Energy National Laboratories.*

*SEC. 306. No funds appropriated or made available under this or any other Act shall be used by the executive branch for studies, reviews, to solicit proposals, to consider unsolicited proposals, undertake any initiatives or draft any proposals to transfer out of Federal ownership, management or control in whole or in part for the purpose of enriching uranium, the facilities and functions of the uranium supply and enrichment program until such activities have been specifically authorized in accordance with terms and conditions established by an Act of Congress hereafter enacted: Provided, That this provision shall not apply to the authority granted to the Department of Energy under section 161g of the Atomic Energy Act of 1954, as amended, under which it may sell, lease, grant, and dispose of property in furtherance of Atomic Energy Act activities or to the authority of the Administrator of the General Services Administration pursuant to the Federal Property and Administrative Service Act of 1944 to sell or otherwise dispose of surplus property.*

*SEC. 307. None of the funds appropriated by this Act or any other Act may be expended by the Federal Energy Regulatory Commission for the purpose of issuing a certificate of public convenience and necessity pursuant to the application made by the Iroquois Gas Transmission System under the Commission's optional expedited certificate procedures (Docket No. CP86-523 et al.).*

*SEC. 308. Within three months following the date of enactment of this Act, the Federal Energy Regulatory Commission shall provide the Committee with a report describing the policies followed in implementing the Commission's responsibilities under the National Environmental Policy Act. This report shall include a description of the steps the Commission has taken to ensure that environmental reviews are conducted efficiently and in a timely manner, the willingness of the Commission to utilize the technical expertise of other Federal and State agencies, and the Commission's environmental authority regarding nonjurisdictional facilities.*

## TITLE IV

## INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, except expenses authorized by section 105 of said Act, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $110,000,000.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $203,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $263,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), [$79,000] *$379,000.*

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $417,800,000, to remain available until expended: *Provided,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $208,900,000 in fiscal year 1988 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1988 from licensing fees, inspection services and other services and collections, excluding those monies received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a [final year] *final fiscal year* 1988 appropriation estimated at not more than $208,900,000.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $197,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $249,000.

## TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $105,000,000, to remain available until expended: *Provided,* That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code: *Provided fur-*

*ther,* That the official of the Tennessee Valley Authority referred to as the "inspector general of the Tennessee Valley Authority" is authorized, during the fiscal year ending September 30, 1988, to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and other documentary evidence necessary in the performance of the audit and investigation functions of that official, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided further,* That procedures other than subpoenas shall be used by the inspector general to obtain documents and evidence from Federal agencies.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act. [This prohibition bars payment to a party intervening in an administrative proceeding for expenses incurred in appealing an administrative decision to the courts.]

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177: *Provided, That nothing herein shall be deemed to affect the ability of the Chief of Engineers, United States Army Corps of Engineers and the Commissioner of the Bureau of Reclamation to reprogram funds based upon engineering-related considerations.*

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. None of the funds appropriated in this Act [shall be used to pay the salary of the Administrator of a Power Marketing Administration or the Board of Directors of the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, may be used to pay the salary of the Administrator of the Bonneville Power Administration, unless such Administrators or Directors award contracts for the procurement of extra high voltage (EHV) power equipment] *for Power Marketing Administrations or the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund or the Tennessee Valley Authority Fund, may be used to pay the costs of procuring extra high voltage (EHV) power equipment unless contract awards are made for EHV equipment* manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 per centum of the bid or offering price of the most competitive foreign bidder: *Provided,* That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental costs against otherwise existing repayment obligations: *Provided further,* That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further,* That this section shall not apply to procurement of domestic end product as defined in 48 C.F.R. sec. 25.101: *Provided further,* That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

[SEC. 508. None of the funds in this Act may be used to construct or enter into an agreement to construct additional hydropower units at Denison Dam—Lake Texoma.

[SEC. 509. It is the sense of Congress that beach renourishment projects previously authorized are necessary projects; further that all Federal agencies shall cooperate fully in the application and permitting process to complete these necessary projects.]

This Act may be cited as the "Energy and Water Development Appropriation Act, 1988".

## MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business for not to exceed 30 minutes and that the bill be temporarily laid aside until I have asked the Chair to conclude morning business.

The PRESIDING OFFICER (Mr. BREAUX). Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may speak during that period of morning business for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition?

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

## THE DEBT CRISIS

Mr. MURKOWSKI. Mr. President, last Friday, I spoke of the debt crisis facing this country and the meaning of that crisis to the American people and American business.

Last Friday, I urged my colleagues to be receptive to the message delivered to us on "Black Monday." The message is simple: Time has run out in the game of borrow, borrow, borrow, spend, spend, spend. I called the belief that we can pile unending deficits onto a towering national debt forever and without consequence an economic illusion.

Last Friday, I stated that in the aftermath of "Black Monday" we have an historic opportunity to begin the process of restoring fiscal responsibility to Government. And, let there be no mistake about it—returning to responsibility will be very painful. We have waited too long to bring fiscal discipline to Government. We have allowed our appetite for spending and the resulting debt to so totally control us that our options are now very limited. If we miscalculate, the adverse implications for the economy are very great. But I submit, Mr. President, that if we fail in the effort to reduce America's debt, the consequences for our country and the world will be far worse. We face an erosion of our economic system and the consequences are really too great to reflect on.

Mr. President, I said on Friday, and I believe it bears repeating, that we have a cancer eating away at America. This cancer is a $2.3 trillion debt with an insatiable appetite growing by hundreds of millions of dollars every hour of every day of the year. Each business day of the year, the U.S. Treasury borrows—in large part from foreigners—over $500 million to finance the deficit. From the family unit to the National Government, in many respects we have become a debtor nation. Our standard of living is dependent upon the willingness of foreign investors, corporations, and governments to continue to feed our appetite for debt.

Mr. President, I came to the U.S. Senate in 1981. As I indicated the other day, I had an opportunity to buy a combination padlock. I was interested in setting the combination. I had

been to a budget meeting on that particular day in the early spring of 1981. At that time the accumulated debt in this country was $757 billion. I set the combination for 757.

Today, Mr. President, that deficit is $2.3 trillion. Needless to say, you cannot get a combination with that many tumblers.

Mr. President, the mere fact that we have managed to accumulate a $2.3 trillion debt is reason enough to rethink the fiscal policies of our Government. We must not only rethink spending policies that allow entitlement programs to grow without limits, but also revenue raising policies which fall far short in meeting the needs of Government, the needs for private investment, and the need for savings.

The saving incentive must be reestablished. We tax our savings. We do not have an incentive to save in this country.

The reassessment of our course and implementation of fundamentally sound fiscal policies are the greatest challenges the Nation will face during the balance of this decade and that of the 1990's.

Mr. President, I do not believe that we have the luxury of time. We must begin the process of making meaningful reductions in the debt today. We must develop a strategy that addresses both the short-term and long-term manner in which we intend to deal with the deficit and the national debt.

There are steps that we can and must take now to reduce the deficit, and they begin right here—a freeze on cost-of-living adjustments stretching uniformly from Members of Congress completely throughout the Federal Government to include each and every program—means-tested and nonmeans-tested; military and civilian; Federal employee and Federal retiree. In that manner, considerable savings can be achieved fairly and equitably by spreading the burden of deficit reduction over a large number of beneficiaries rather than concentrating benefit reduction on selected groups or programs.

Mr. President, a freeze on cost-of-living adjustments will not result in any cuts in Federal benefits currently received by individuals. I repeat, not one dollar in cuts. It only means that there will be no increase above current levels for 1 year. All of us would be asked to hold the line for a year and make do with what we currently receive to save the system.

If we tackle the short-term problem in this way, the individual sacrifices would be held to a minimum—approximately $25 per month or less than $1 per day for the average Social Security recipient—and the potential savings of $12 billion for the remaining 8 months of fiscal year 1988 alone would be significant. If we can achieve meaningful deficit reduction, the minimal sacrifice borne by all Americans will be more than offset by lower interest rates, lower inflation, a stable dollar, and an American economy capable of competing in the world marketplace.

Mr. President, I ask unanimous consent that a table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

| Program | Current average payment to individuals | Monthly amount foregone if COLA's are frozen | Nationwide savings from a freeze | |
|---|---|---|---|---|
| | | | (1 year) | (3 years) |
| Social Security: Retired workers | $492 | $21 | $9,000,000,000 | $27,000,000,000 |
| Veterans disability benefits: 30 percent disabled vet. | 194 | 15 | 450,000,000 | 1,650,000,000,000 |
| Military retirees: Enlisted (E–7, 20 years service) | 851 | 25 | 584,000,000 | 2,285,000,000,000 |
| Officer (O–5, 20 years service) | 1,810 | 54 | | |
| Civil service retirees | 1,083 | 45 | 789,000,000 | 2,941,000,000,000 |
| Civil service employees: Average full time | 2,300 | 69 | | |
| Military members: Junior enlisted basic pay (E–4, 4 years service) | 980 | 29 | | |
| Officer basic pay (003, 6 years service) | 2,308 | 69 | | |
| Totals | | | 12,350,000,000 | 40,090,000,000,000 |

Mr. MURKOWSKI. Mr. President, the key to success for combating the debt is putting everything on the table from defense spending to Social Security. An across-the-board and universal freeze must apply to everyone, especially the Congress. Our colleagues in the House of Representatives last week included a COLA for Members of Congress in the budget reconciliation bill. That action sends the wrong signal to those who are watching and gauging our resolve.

In my view, support by the American people and ultimately success in our deficit reduction efforts can only be achieved through fairness and equitable treatment. This past Friday, I indicated that the leadership of the major veterans' service organizations have expressed to me that veterans are prepared to do their part as long as it is part of a universal sacrifice. Are we to deny a COLA to a veteran disabled in the service of his/her country while providing one to Social Security recipients? The answer must be no, and I shall do my utmost to avoid that outcome.

Mr. President, a few days ago Mr. Gene Murphy, the national commander of the Disabled American Veterans, himself a severely disabled Vietnam veteran, wrote these words to the President and Members of Congress:

In response to the current crisis that has rocked our nation's financial community and seriously impaired confidence—both home and abroad—in the American economy, I understand that you and other key members of the Congress and the Executive Branch are involved in discussions aimed at achieving agreement upon a meaningful deficit reduction package for the coming fiscal year.

Certainly all Americans—including those who have served in our nation's Armed Forces—wish you God's speed and success in this most difficult task.

As your deliberations most assuredly will include scrutiny of federal entitlement programs as one area in which to achieve reduction expenditures, I wish to inform you that the 1.1 million members of the Disabled American Veterans are willing to accept a delay, reduction or cancellation of the cost of living adjustments now being considered for VA service-connected disability compensation and nonservice—connected pension benefits, so long as such an action would be uniformly applied to all federal entitlement programs including those administered by the Social Security Administration.

The members of the Disabled American Veterans are certainly no strangers to sacrifice and, we are once again willing to place the welfare of our country above self-interest.

If a freeze in federal entitlements is applied equally across the board, so be it. However, if exceptions are to be made, I urge that you not forget the veterans and survivors of veterans who have incurred disability and death in defense of America.

Mr. President, the members of the Disabled American Veterans and the rest of America's veterans have already demonstrated their willingness to sacrifice for the good of our Nation and society. Their willingness to do so again is commendable but not surprising. I believe it is shared by all Americans. I believe the Congress should not fear the political consequences of action, even painful action. We should instead fear the consequences of allowing the opportunity we now have to slip away without meaningful action. If we fail to act, the American people who have entrusted us with their destiny will hold us responsible for the consequences.

We have a duty to seize the opportunities now before us. America's veterans have done their duty. They have a right to expect us to do ours. They have extended the challenge to the Congress of the United States that

they are willing to take the cuts from their COLA's.

Mr. President, the rest is simply up to us and the convictions that I think we have.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SIMPSON. Mr. President, does the Senator from Mississippi wish the floor?

Mr. STENNIS. No.

Mr. SIMPSON. Mr. President, Senator STENNIS is our outstanding senior colleague. He served with my father and now I have the opportunity to serve with Senator STENNIS. He has served me much in counsel. He is a great friend.

## NOMINATION OF JUDGE DOUGLAS H. GINSBURG

Mr. SIMPSON. Mr. President, I want to say a very few words on the nomination of Judge Douglas Ginsburg, of the District of Columbia Court of Appeals, to be an Associate Justice of the Supreme Court. I think this is a remarkable nominee. I commend the President for sending him to us.

His qualifications are truly exemplary. He has served with real distinction in all areas of the legal profession. All of us are learning more about him, what he has done. He has a superb professional record. He served in law school and in the bar, a member of the bar for many years. He served as a judge on the District of Columbia Circuit Court, often referred to as the most important Federal circuit court in the Nation.

He served as Assistant Attorney General for the Antitrust Division of the Justice Department for 2 years. Prior to that, he was administrator for the Information and Regulatory Affairs Office in the Office of Management and Budget in 1984 and 1985.

He is a distinguished scholar and served for 8 years as professor at the Harvard Law School. He is the author of numerous books and articles on antitrust and economic regulation, banking, communications, and the first amendment.

These things we know of him. We are learning more. We will know more when we finish our hearings, which will begin very soon, I hope.

He was a professor at Harvard. Judge Ginsburg maintained an active and prestigious law practice. He was a lawyer's lawyer and provided expert legal advice to other law firms and corporate general counsels for major banks, securities firms, and telephone companies.

He is familiar with the workings of the Supreme Court since he served as a clerk to Justice Thurgood Marshall in the 1974–75 term of the Court. We know that Justice Marshall has had some very important things to say in the public arena in these last months, both about the nomination of Judge Bork in some ways, and then about our President and our Government. It is good for me, at least, to know that Justice Marshall had this remarkable person as a clerk, and I would think would have high regard for him.

So he has an impressive record. Two of my colleagues on the other side of the aisle who are not generally known for their support of President Reagan's judicial nominees have both sung Judge Ginsburg's praises and highly recommended his confirmation as an appellate court judge.

In introducing Judge Ginsburg to the Judiciary Committee last year, my friend from Massachusetts, Senator KENNEDY, noted that he was a man with an "insightful mind" who was "able to dissect particular legal issues and questions with clarity and with a sense of compassion, and with an understanding of the law."

Senator KENNEDY also said that Judge Ginsburg is "open-minded, willing to listen, willing to consider views which he has not himself held."

The other fine Senator from Massachusetts, Senator KERRY, echoed this praise, saying there could be "no more highly qualified candidate for a judgeship on the U.S. Court of Appeals for the D.C. Circuit than Douglas Ginsburg."

According to the Senator, and I agree with him, "Douglas Ginsburg brings the highest possible degree of qualifications to become a member of the Federal judiciary." Senator KERRY went on to conclude, "I know that he commands the greatest respect from our mutual friends at Harvard, such as Alan Dershowitz and Larry Tribe. Alan has indicated to me that he regards Judge Ginsburg as a legal scholar of the highest order, nonideological, nonpolemical, and the best possible recommendation the President could make for the Federal Judiciary."

I think that is a remarkable bit of information.

For those of us who are concerned about the relative youth of Judge Ginsburg, let us just look at a couple of points. I would hate to see us foreclose our opportunities to people because of misconceived notions about the disabilities of youth.

Some of the greatest Justices in the history of the Supreme Court were appointed in their thirties and early forties. President Washington nominated John Jay at the age of 43. Joseph Story, arguably the greatest Justice, perhaps, in the history of the Court, was 32 when nominated by President Madison. The superb John Marshall Harlan was 44 at the time of nomination. Potter Stewart and Byron White were respectively 43 and 44 when nominated by Presidents Eisenhower and Kennedy.

William Douglas was 40 when nominated by President Franklin Roosevelt.

Many Justices, other than the few I have mentioned, were in their thirties and early forties when they were appointed to the Supreme Court.

And, of course, John Kennedy, our President of the United States, was 43 at the time he took that important role and served with such remarkable distinction.

So Justice Douglas' career provides us, I think, with a particularly striking analogy. William Douglas graduated second in his class at Columbia. After spending 2 or 3 years in private practice, he taught for 6 years at Columbia and Yale and established a reputation as an expert on corporate law. He served in the Roosevelt administration for 5 years on the Securities and Exchange Commission until his appointment to the Supreme Court.

Judge Ginsburg's career, interestingly, parallels Justice Douglas' quite remarkably. He was second in his class at law school, a professor of law, a practitioner, and holder of several responsible positions in Government. In fact, Judge Ginsburg is older and perhaps objectively better qualified than Douglas at that time in his life, having been a Supreme Court clerk and having had prior experience as an appellate court judge.

I think these interesting comparisons, the statements made that I have related, illustrate that Judge Ginsburg has the breadth of experience to ably serve on the Supreme Court. He has distinguished himself in public life in a breathtaking variety of ways: Supreme Court clerk, teacher, scholar, practitioner, Federal judge. He has time and again demonstrated his keen intellect.

One final thing: When persons speak of the fact that he had no judicial experience, I think it is important to the American public to know that John Marshall had no judicial experience nor did Justice Joseph Story, nor did Justice Roger Taney, nor did Justice Louis Brandeis, nor did Justice Hugo Black, except for his term as a police judge.

So I think we have a superb choice. Look closely at it. Begin to sort out the man's record and put it into perspective. Maybe those who do not want to see him on the bench just might not like his ideology. Let us try to look at the whole man and not get bogged into things that were so destructive in the last nomination submitted.

I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition?

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The Senate continued with the consideration of the bill.

Mr. JOHNSTON. Mr. President, I am delighted to join with my esteemed ranking minority member, Senator HATFIELD, from Oregon, in presenting to the Senate H.R. 2700 making appropriations for Energy and Water Development for the fiscal year ending September 30, 1988, and for other purposes. The Committee on Appropriations reported this bill on September 15, 1987, and the House of Representatives passed this bill on June 24 by a vote of 340 to 81.

The purpose of this annual appropriation bill is to provide funds for the fiscal year 1988 beginning October 1, 1987, and ending September 30, 1988, for energy and water development, and for other purposes. It supplies funds for water resources development programs and related activities of the Department of the Army, Civil Functions—U.S. Army Corps of Engineers' Civil Works Program in title I; for the Department of the Interior's Bureau of Reclamation in title II; for the Department of Energy including atomic energy defense activities—except for fossil fuel programs, and certain conservation and regulatory programs—in title III; and for related independent agencies and commissions, including the Appalachian Regional Commission and Appalachian Regional Development Programs, the Nuclear Regulatory Commission, and the Tennessee Valley Authority in title IV.

Mr. President, the total amount of new budget obligational authority provided by the bill is $15,919,912,000. This amount is $229,586,000 less than the House passed bill and $1,742,885,000 below the budget request submitted by President Reagan in January. A large part of this difference between the President's budget estimates and the bill as recommended by the committee is due to the treatment of uranium enrichment revenues which are retained to offset the cost of the Uranium Enrichment Program which has been done every year since the inception of the program.

Mr. President, inasmuch as the bill and report have been available for a month now and our recommendations are generally well known to the membership, I will not take the time of the Senate to explain in detail the contents of the bill. However, I will briefly highlight and summarize the major recommendations.

For Title I, Department of Defense-Civil, Department of the Army Corps of Engineers-Civil, we are recommending a total of $3,236,916,000. This new budget authority amount is $25,000,000 less than the President's budget and about $10,000,000 less than the House bill. Additionally, the committee did not recommend the use of unobligated balances in the amount of about $85,000,000 which the House passed bill uses to offset new appropriations. Therefore our reduction in title I is about $90,000,000 under the House bill. The amount recommended for construction is $1,166,136,000; $315,000,000 is included for flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee; and $1.4 billion is included in the bill for operation and maintenance.

The bill as passed by the House included $60 million for 43 new starts costing $540 million. The President's budget proposal includes 13 new project starts with a current estimated Federal cost of $307 million. The severe budget constraints we are confronted with, required the committee to reduce the new projects approved by the House and we are recommending only 22 new projects with an estimated cost of about $410 million, about half way between the President's proposal and the House passed bill.

For title II, Mr. President, the committee recommendation provides $955 million in new budget authority for the activities for the Bureau of Reclamation in the Department of the Interior. This is about $17 million less than the amount included by the House—$700 million of this amount is to continue construction on projects that have been underway for some time now. Most of the funds would be provided for the central Arizona project, the central Utah project, and three or four other major construction projects. No new projects are recommended by the committee due to budgetary constraints.

For the Department of Energy, in title III of the bill, the committee would provide $11.3 billion in new budget authority, an amount which is $200 million below the House. The largest activity in the bill and for which about half of the funds are directed, is the Atomic Energy Defense Program. The committee recommendation would provide $7,750,000,000, a reduction of over $300 million from the budget estimates submitted by the President and some $64 million less than the House passed bill provides. Of this amount, $473 million is recommended for testing, $993 million is for research and development; $2,258,000,000 is for nuclear weapons production and surveillance; $1.8 billion is for nuclear materials production; $851 million is for defense waste management and environmental restoration; and $309 million is for SDI research for nuclear directed energy weapons.

For energy supply research and development programs, the committee recommendation includes $2,056,000,000 of which $105 million is for solar and renewal energy; $242,500,000 is for biological and environmental research; $610 million is for nuclear programs including remedial action activities; $345 million is for magnetic fusion research; and $526 million is included for basic energy sciences.

For general science and research, including high energy physics and nuclear physics, the committee recommendation is for $824.5 million. Of this amount $35 million is recommended for continued R&D on the superconducting supercollider. No funds are included for construction. Funds that are provided will keep the project going for another year while the administration and the Congress determine whether funds will be available in the future for this effort.

Mr. President, title IV of the bill includes appropriations in the amount of $110 million to continue the Appalachian Regional Program; a net appropriation of $208 million is provided for the Nuclear Regulatory Commission when anticipated revenues are subtracted from the total appropriation of $417 million; and the amount of $105 million is recommended for the Tennessee Valley Authority.

Mr. President, the Committee on Appropriations has made every effort to produce a balanced program for Department of Energy research and development activities and for the water resources development activities included in this bill. Budgetary constraints are such that the committee simply could not initiate many meritorious projects and activities sought by our colleagues and the administration. We believe that this is a good, solid bill under the conditions and circumstances we have to deal with and we urge the cooperation of the Members and support for this important measure.

Mr. President, one of the most important issues we have to deal with in connection with this appropriation

bill, is the matter of the Nuclear Waste Disposal Program. The bill as passed by the House provides $500 million to continue the current Nuclear Waste Program under the Nuclear Waste Policy Act. As a part of the efforts to reduce costs and the budget deficit and to establish a workable program, the Committee on Appropriations believes that it is necessary for the Nuclear Waste Program to be redirected. The Committee on Energy and Natural Resources has included the legislation necessary to provide savings from the Nuclear Waste Program in the reconciliation bill. Reconciliation was postponed in late August until the end of September. At the end of September it was postponed until October 19. In the meantime, the Committee on Appropriations marked up this appropriation bill on September 15. In order to include the savings, provide for a redirected Nuclear Waste Program and live within the allocation for this bill, the Committee on Appropriations adopted a Nuclear Waste Program which provides $360 million to carry out the recommended solution for the Nuclear Waste Program—the redirected program amending the Nuclear Waste Policy Act contained in S. 1668 which was approved by the Senate Committee on Energy and Natural Resources on July 29. By a vote of 19 to 6, the Committee on Appropriations approved the inclusion of this redirected program in this appropriation bill. Obviously, this is a matter that will require some debate and careful consideration of this body, and we are prepared to explain the necessity and wisdom of the action being recommended by the Committee on Appropriations.

In conclusion, Mr. President, let me express my appreciation and thanks to the distinguished Senator from Oregon, Mr. HATFIELD, for his exemplary cooperation and fine work in helping to move this bill along. He is the former chairman of this subcommittee, as well as former chairman of the full Committee on Appropriations. We have enjoyed a long-time productive and enjoyable relationship in the Committee on Appropriations for many years now. I want to also say a special word of recognition to our distinguished chairman of the committee, Senator STENNIS. He is not only the former chairman of this subcommittee but one who always takes a special interest in this particular appropriation bill. When he first came to the Senate, he became associated with this bill which was known then as the old public works or civil functions bill. He still is a stalwart in the work of the subcommittee. And lastly, Mr. President, I want to express my thanks and appreciation to all the members of the subcommittee for their cooperation, advice, and assistance.

Mr. President, let me cover one other vitally important item that is in this bill, and that is nuclear waste.

Mr. President, nuclear waste is the kind of subject that Senators would rather not think about or talk about except when they are under the gun, except when they think there is danger of nuclear waste being placed in their respective States. And then, Mr. President, the reaction is uniformly emotional, occasionally irrational, and I speak as one whose State has been under the gun. I do not mean to say my State as a whole has acted irrationally, but I can tell you the emotions of some people are extreme. And I say that not in a denigrating way but to emphasize how difficult this problem is.

I personally, Mr. President, have been working on nuclear waste for over 10 years. Finally, we passed a Nuclear Waste Policy Act which dealt comprehensively with the issue of nuclear waste, which provided for what we called a two-track method of nuclear waste disposal, that is, to have a permanent underground repository, a deep repository, one somewhere in the West, and to have a possibility of a second repository, deep underground, at some later time in the East, and to have an MRS, or monitored retrieval storage facility located somewhere in the country which would provide for interim storage for periods, while not identified in the bill, somewhere in the neighborhood of 20, 30, perhaps 40 years total cooling and reduction of radioactivity.

So that is what the Nuclear Waste Policy Act provided. It provided a comprehensive method, Mr. President, of taking a large number of potential sites and winnowing down those potential sites by scientific evaluation, by drilling cores, and finally, when those sites were winnowed down to three, as has been done under the act, to pick the third site by what we call characterization.

Now, Mr. President, at the time we put this bill together it was thought that characterization, which involves the drilling of a shaft down into the ground perhaps 2,000 or 3,000 feet, might cost in the neighborhood of $60 million per site, so that the scheme was that you pick three sites. Then you go out to each of the three sites and drill, shall we say, a $60 million shaft.

Now, why was this thought to be necessary? Because there is only so much you can learn from drilling in effect bore holes from the surface. You cannot learn the essential characteristics of a nuclear waste site by doing that. You must in effect characterize in order to learn all of the characteristics of that site. For example, the flow of water or the lack thereof, which is a very essential part of picking a nuclear site, can be done only by drilling of the shaft and actually observing the water as it creeps or does not creep through the holes, noticing the direction of flow, the size of the cracks, if any—all of those things which can become obvious only by the drilling of the tremendous shaft and the characterization of the site.

What we did not know at the time, Mr. President, was that to characterize a site does not cost $60 million per site, but according to a study done by GAO it cost in the neighborhood of $2 billion a site. According to GAO, to characterize three sites will cost taxpayers or the ratepayers actually some $5.8 billion.

Mr. President, $5.8 billion is serious money by anybody's estimation. If it is not necessary, then it is one of the most gigantic wastes of money that this country has ever engaged in. Is it necessary?

Mr. President, in order to determine that issue of whether or not it is necessary to characterize three sites to spend essentially $2 billion extra dollars, we conducted extensive hearings in the Energy and Natural Resources Committee. We took the committee to Europe, we looked at nuclear waste sites in Sweden, and in France. Mr. President, the verdict came in very strong and clear that it is absolutely not necessary to waste $4 billion of the taxpayers' money by characterizing two additional sites, that the characterization of one site is sufficient.

Why is that so? According to the experts—and the experts in this case were the people from the Department of Energy who have been involved in this matter, the National Academy of Sciences, and the Nuclear Regulatory Commission. They said, first, that the degree of confidence in any one of the three sites which would be picked—that is, the site in Nevada, the State of Washington, and the State of Texas—and suitable is very high, that degree of confidence being I think one witness picked it at exceeding 95 percent.

Second, according to the experts, the ability to focus and bring together, to collate all of your scientific resources on one site, actually enhances your ability to characterize that site; that is to say, if you have a proliferation at three sites, trying to characterize all three sites, then you must split your scientific talent between the three sites. So there is actually an advantage to going to one site.

Mr. President, there is a caveat about the characterization of one site, and that is, you must have a sufficient length of time so that if the unexpected happens and you begin to characterize the first site and find it is unsuitable by tectonic activity, by water flows, by for whatever reason, then you must have time to go to the next site; in other words, to be in a position to characterize sequentially.

Mr. President, in order to do that, two things must be done. First of all, the characterization of the first site must proceed forthwith, that is, without undue delay. In the case of the legislation which we have proposed, we have proposed a date of January 1, 1989, within which the choice of the first site must be made. If that date has slipped, and, frankly, using the additional time of January 1, 1989, is more time than the present bill provides. But we thought it was prudent. But, second, Mr. President, we also provided for an MRS or the authorization of an MRS, a monitored retrievable storage facility.

The monitored retrievable storage facility, Mr. President, serves a number of useful, essential, and important purposes. First of all, it provides for the receipt and the packaging of the nuclear fuel rods. This is vitally important because the fuel rods essentially will have to be packaged, and the medium in which they are packaged—whether it is titanium, copper, or whatever—will actually depend upon the kind of medium in which they are finally put to rest; that is, the final repository of basalt. If they were put in a salt facility, then salt corrodes certain kinds of packaging and does not corrode other kinds of packaging. So in any event, the kind of package in which the nuclear fuel rods are put in the MRS is vital and important and will depend ultimately upon the kind of medium which is chosen.

Second, Mr. President, it serves the very vital purpose of cooling down the rods. Nuclear rods when they come out of a nuclear facility are very hot, both in waste heat and in radioactivity. The two decline on a very rapid curve losing most of their radioactivity and most of their heat in the first 10 years. So that the longer you let the rods cool, then the closer you can put them together in the eventual facility, and the less deformation there would be.

For example, in salt, very hot rods will melt salt, and are likely to crack granite or basalt. Salt, basalt, and granite are the three kinds of host rocks in which the three facilities are likely to be located.

So, Mr. President, the MRS serves as the cooling down portion, the cooling down arena. But third and very important it gives you the time to sequentially characterize your sites—in other words, whatever the capacity of the MRS is. Whatever the capacity of the MRS is, it gives you the time to sequentially characterize these sites. So that if the first site turns out not to be a suitable site that is characterized, then the rods that are going into the MRS will have time to go to a second repository site.

So what we have put together, Mr. President, is a proposal here that allows you to go from three characterization sites to one site, and in the process save about $3.8 billion of the taxpayers' money. It allows you to do so with full confidence that if the first site which is to be characterized turns out not to be suitable, you will have time to go to a second site and still be able to receive the nuclear waste by the 1998 time date. The 1998 time date is a date specified in the Nuclear Waste Policy Act by which time the Department of Energy must take title and possession of the nuclear waste rods. It is so specified in the act. So that this gives them the ability to meet that time date.

One other important factor in this bill, Mr. President, is what we call the incentive package. The saving of the $3.8 billion gives you the ability to give an incentive package for both the repository site and the MRS site. In the case of the repository, it is $100 million per year; in the case of the MRS it is $50 million per year.

We think there is a good chance that if we put this into law we will have a volunteer site. If we do not have a volunteer site, it at least serves a very excellent purpose in assuaging, at least, the hurt feelings of the State into which the nuclear waste is to be put.

One final point on nuclear waste, Mr. President. The size of the incentive package is not meant to compensate injury to the State.

The scientific evidence is overwhelming that the potential harm to anyone is vanishingly small, virtually nonexistent. If you look at all the activities in the nuclear waste cycle, from uranium mining to enrichment to fabrication of fuel rods to operating of a repository, the most benign of all of those is the storing, the final depositing, of the fuel rods. These rods have no ability to explode. They are solid; they are not gaseous.

If you have a wreck on the highway, you have these transportation casks that are wreckproof in terms of there being an accident that breaks one of them open. But even if it did, they cannot explode.

The kind of danger which would be posed, while it is not inconsequential—if, let us say, the impossible happens and an unbreakable cask breaks—is, nevertheless, a danger much smaller than, for example, transporting liquified petroleum gas or hazardous chemicals, which is an everyday activity in any town of any size in the country.

Nevertheless, we recognize that there is a sensitivity, an emotionalism, that attends the location of nuclear waste; hence, the incentive package of $100 million a year for the repository and $50 million a year for the MRS.

One final point, Mr. President: Because the number of nuclear plants and hence the amount of nuclear waste generated is less than originally thought at the time the bill was first put together, it is thought not to be necessary to have an eastern repository. Consequently, we directed that all activity cease with respect to an eastern respository and that in the year 2010, an additional study be made to determine whether or not that judgment is correct; and I believe that that judgment, even in the year 2010, would turn out to be correct.

Mr. President, in conclusion, let me express my appreciation to the distinguished Senator from Oregon [Mr. HATFIELD], with whom I have worked now for many years on this subcommittee package, with me as chairman in some years and then for 6 years with him as chairman. Frankly, it has been hard to tell who is chairman and who is not chairman, because it is a collegial, cooperative activity; and I count myself extremely lucky to have him as my colleague and as my coworker in this endeavor, and I thank him for it.

Mr. HATFIELD. Mr. President, it is a very difficult bill that the committee has labored on for a long while, with many controversial parts to this bill. The very strong leadership of the Senator from Louisiana, our subcommittee chairman, has certainly made it finally possible to bring this bill, in a comprehensive way, to be acted upon on the floor.

I join the Senator from Louisiana in recommending the passage of this bill. I appreciate our working relationship and our very seasoned staff on the subcommittee, from both sides of the aisle. They play an increasingly significant part in this bill, as it becomes more difficult and more technical.

Mr. President, the energy and water development appropriations bill as recommended by the committee provides $15,919,912,000 in new budget authority for energy and water activities in fiscal year 1988. The total amount of the bill as reported is $1,742,885,000 below the President's budget request and $229,586,000 below the House-passed version. Our recommendation is within the Senate Budget allocation, and I believe it clearly represents a fiscally responsible appropriations measure.

As in previous years, Mr. President, this bill is the result of long hours of testimony from agency officials and other public and private witnesses during 19 hearing sessions. The committee recommendation is also the product of a nonpartisan agreement reached through two lively markup sessions; and I expect it will receive the overwhelming support of the Senate.

Senator JOHNSTON, the chairman of the subcommittee, has outlined the major provisions of the bill, and of course, additional details are provided in Senate Report 100-159.

Mr. President, the recommendation before us today provides about $4.2 billion for Federal water resource development programs. This includes primarily the projects and related activities of the Army Corps of Engineers, the Bureau of Reclamation, and related agencies. These capital investments in our Nation's water-based resources, in my view, are the cornerstone and the most important element of this appropriations measure. The water projects in this bill provide lasting benefits in the areas of flood control, municipal and industrial water supply, irrigation, water conservation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement. Although these activities are funded at about $200 million over last year's level, the allocation of funds is not sufficient to support the hundreds of requests from our colleagues in the Senate. Nevertheless, I believe we have met the major concerns and priorities in water resources under the guidance of our most able chairman.

On the energy side of the equation the committee recommends approximately $11.3 billion for the Department of Energy. While most energy activities are maintained at current or reduced levels of funding there is growth from fiscal year 1987 levels due to increases in both general science research and atomic energy defense. In energy defense activities, we recommend about $7.7 billion, which is an increase of 3.4 percent or $267 million over the current year and about $300 million below the request.

As most of my colleagues know, I personally do not support any increase for the Atomic Weapons Program. That personal view, however, is not shared by the majority of the committee.

Due to declining weapons and materials production, however, much of the increased funding for atomic weapons again this year is for activities to protect the public health and safety, to meet environmental standards, and to enhance the security of the nuclear weapons complex. Although I strongly support these important efforts, further reductions in weapons activities should be used to finance them. In any event, there needs to be more done in all aspects of public health and safety, particularly in the cleanup of contaminated areas and the closure of unsafe or marginal operations within the weapons complex. Addressing these public health and safety issues will require substantial increases in funding in the future. For example, the cost of defense waste cleanup at the Hanford reservation is now estimated likely to be $16 billion, with some estimates as high as $100 billion. These staggering costs of Hanford cleanup from the recently drafted environmental impact statement represent a stark reminder of the magnitude of our problems throughout the weapons complex.

With the obvious need to increase funding in many areas and the growing pressure to reduce spending, we must discontinue marginal or questionable operations in order to make funds available to meet future needs. Accordingly, the committee has directed the Department to place the Hanford N-reactor in a cold standby status that would minimize further expenditure of funds on the reactor. This recommendation parallels the action taken earlier by the Senate Armed Services Committee.

Mr. President, the committee is concerned over the N-reactor at Hanford because it is shut down as a result of independent safety reviews. Congress prohibited a scheduled restart of the reactor through a provision in the supplemental appropriations bill. Now that the supplemental has expired, the Department of Energy again indicates that the reactor will be restarted in November or December even though safety improvements and repairs will not be complete at that time. A limited environmental statement [EIS] will not be finished by the proposed restart date either.

Mr. President, in May 1986, the Department picked an independent panel of six outside experts, chaired by Louis Roddis, former president of Consolidated Edison, to review the safety of the N-reactor. The Roddis panel was critical of environmental improvements and repairs. The Roddis panel and other safety reviews listed a total of 228 recommendations for improvement at the reactor. Only about $50 million out of some $170 million of scheduled improvements will be complete before the proposed November restart. In other words, more than half of the repairs will not even be completed. Many of the major repairs will not be complete in fiscal year 1988.

To make matters worse, a more recent safety analysis by the National Academy of Sciences raised additional questions. The Academy's technical review of the Department's proposed hydrogen mitigation plan recommended that more analysis is necessary. Quoting from the August 26 report "the hydrogen mitigation concept has not developed to the point at which details of the design, the control system, the operating procedures, and the training process can be assessed * * * accordingly, we recommend a detailed independent review of each of these elements."

Mr. President, the 24-year-old Hanford N-reactor has a very limited life of another 3 to 6 years due to graphite swelling inside the reactor. Its usefullness in production is negligible. On the other hand, it can be a valuable producer of savings to fuel other important activities. The annual direct costs of operating the reactor exceeds $440 million. The Department indicates that cost savings in the initial year of standby could be $100 million, with savings in later years of at least $300 million per year.

Based on the stockpile of accumulated problems facing the N-reactor, I urge my colleagues to support the committee's recommendation to place the reactor in cold standby. This practical alternative to continued operation or permanent shutdown will preserve the production capability in case of national emergency or a clear, demonstrated national need. It will preserve our production options in light of the uncertainties surrounding the Savannah River reactors which are temporarily on reduced power levels based on safety problems with the emergency core cooling systems. It will maintain our full range of options and at the same time it will generate badly needed budget savings.

In conclusion, Mr. President, this is a fiscally responsible bill in all areas besides energy defense, and I urge the Senate to proceed with its early adoption.

Mr. President, I ask unanimous consent that a copy of material supporting the committee's recommendation on the Hanford N-reactor be printed in the RECORD. This includes:

First, a letter from Senator BROCK ADAMS in support of the committee action.

Second, a copy of my report on our defense plutonium needs and the Hanford N-reactor.

Third, a copy of Internal Documents prepared by DOE which shows that plutonium is available from sources other than N-reactor and the cost of these other options is less than operating N-reactor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S SENATE,
*Washington, DC, September 9, 1987.*

Hon. J. BENNETT JOHNSTON,
*Chairman, Subcommittee on Energy and Water Development, Senate Committee on Appropriations, Washington, DC.*

DEAR MR. CHAIRMAN: In addition to a number of issues I have written to you about concerning the Department of Energy's FY '88 nuclear energy, nuclear waste and atomic energy defense activities, I wish to make a separate request concerning the N-Reactor at the DOE's Hanford Reservation in Washington.

As you know, the N-Reactor has been shutdown for safety modifications since the beginning of the year. The ultimate disposition of this reactor has become extremely controversial as a result of several independent investigations in the last 12 months by the National Academy of Sciences, the new primary contractor for Hanford—Westinghouse—and a panel of six outside experts headed by Mr. Louis Roddis. Congressional deliberations are further complicated by the 24 year old reactor's limited future life and by questions concerning the Nation's actual

needs for plutonium produced by the reactor.

The Senate Armed Services Committee has recommended that the N-Reactor be placed in standby status thus preserving it as a source of strategic materials in a national emergency while cutting operating costs and reducing the risk to the public from operating this unique graphite moderated reactor. I urge you to incorporate the Armed Services Committee recommendation in the Subcommittee's appropriations for the DOE.

My paramount concern in making this recommendation is safety. Despite repeated assurances by the DOE that the reactor is safe, independent reviews have consistently found that the actual level of safety of the facility is either unacceptable, unknown at present, or both. Furthermore, until the recommendations of the Roddis Commission were made public, DOE continued to operate the reactor.

My concern over the safety and viability of the N-Reactor has been further heightened by two recent safety studies. In July, Westinghouse, the new primary contractor at Hanford, completed a study of the reactor pointing out a number of shortcomings in the current level of safety analysis and physical operation. Westinghouse, while drawing different conclusions from the Roddis panel, has nonetheless called for completion of a number of analyses and improvements prior to operation and has recommended operation of the reactor at a reduced power level. In August, the National Academy of Sciences issued a preliminary report on DOE's plans to control hydrogen gas explosions during a reactor accident which raises a number of serious allegations concerning the lack of technical analysis of the N-Reactor's safety systems. The Academy has even postulated that use of DOE's proposed hydrogen control system could actually increase risk to the public.

It is readily apparent, in light of the various independent reviews, that the actual level of safety of the N-Reactor is an unknown quantity. Given the need to complete a lengthy list of probablistic risk assessments, environmental qualification of safety equipment, improvements in the safety systems and other analytic work identified by the independent reviews, a definitive determination of the safety of the facility appears to be years away. Completion of millions of dollars of safety improvements in the interim may or may not be effective in reducing these as yet undetermined risks.

The Senate Armed Services Committee has proposed a practical alternative to the continued operation of the N-Reactor by recommending standby status. Standby status can preserve the reactor a potential source of strategic materials while the necessary safety analyses are completed and appropriate safety improvements planned should operation of the reactor be justified. These recommendations are essentially consistent with the views of Mr. Roddis, who testified before you in the Senate Energy Committee and with which I agree.

Mr. Roddis recommended that the reactor not be operated unless there were an extraordinary national security need for plutonium since the risk posed by the reactor exceeded that commonly accepted for civilian plants. Mr. Roddis argued that resources would be better spent developing a new production reactor. Mr. Roddis further argued that even if the need for N-Reactor were sufficiently compelling to require operation, a number of safety analyses and improvements would need to be completed prior to operation. I agree with Mr. Roddis' views and urge the Subcommittee to adopt the Senate Armed Services Committee recommendations.

Sincerely,

BROCK ADAMS,
*U.S. Senator.*

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## THE PLUTONIUM CUSHION

### REPORT ON U.S. DEFENSE PLUTONIUM NEEDS AND THE HANFORD N REACTOR

The disaster at Chernobyl focused worldwide attention on the dangers of a poorly conceived and managed nuclear reactor program. Much of the initial publicity on the accident exaggerated its similarity or application to U.S. commercial nuclear activities. Nevertheless, this terrible mishap has served as a catalyst for a very constructive review of our own defense production program. A review of U.S. defense reactors, particularly the Hanford N Reactor at Richland, Washington, leads to fundamental questions about the safety of our defense reactors and the supply of plutonium for our nuclear arsenal.

Hanford N reactor.—The Hanford N Reactor at the Richland in Washington produces weapons-grade plutonium for this country's nuclear weapons. The 23 year old reactor is the most similar in design to the Chernobyl reactor and it became the focus of attention after the accident last year.

Shortly after the Soviet accident in May 1986, the Department of Energy (DOE) formed a safety team to review operations of the Hanford N Reactor. The internal review concluded that the facility was operated in a generally safe and cautious manner by competent and experienced personnel, but 51 recommendations for safety improvements were presented. Later in the fall of 1986, Congress agreed to continue reactor operations but the Senate Appropriations Committee cut off a DOE program designed to extend the operation of the reactor beyond 1995. At the same time, Congress questioned continued operation of the N Reactor in two Appropriations Committee reports. Both Senate Report 99-441 and House Report 99-1005 urged the Department of Energy to carefully review plans to continue operation of the Hanford reactor.

In December of 1986, DOE suddenly announced that the N Reactor would be shut down for six months for safety repairs. This change was prompted by a second safety review of six independent outside experts of high reputation, picked by the agency. Unlike DOE's own analysis, the independent review sharply criticized the management at Hanford and recommended modification or shut down of the N Reactor. This outside review added some 130 improvements for a total of some 228 safety and environmental recommendations for the reactor.

The independent safety review panel opposed the Energy Department's plan to extend the life of the reactor beyond 1995. The experts agreed that the reactor has a very limited life due to graphite growth and swelling inside the reactor. Most authorities estimate the reactor can only operate into the early 1990's, another 3-6 years.

The strongest remarks from the independent safety review panel came from Chairman Louis Roddis, a nuclear engineer and former president of Consolidated Edison. Roddis begins by citing the last outside study on the Hanford N Reactor, written in 1966. This study indicated that in a severe accident, the N Reactor would release more radioactivity than a civilian reactor. It was suggested that the government should weigh with care its need to run such a risky plant.

Based on these safety concerns and due to the high cost of improvements, the reactor was targeted for permanent shutdown by the Nixon Administration in 1971. After months of controversy, President Nixon finally bowed to local pressure centered on the protection of jobs, turning the reactor into a "political reactor," in the words of one administration official. Then again in 1976 the President's budget request proposed to shutdown the Hanford reactor. This time Congress rescued the reactor citing its production of electricity and its potential value for energy research.

Two decades after the first safety review in 1966, Chairman Roddis and other members of the independent panel express concern over many of the same safety risks which triggered calls for closure of the reactor in the past. The Hanford N Reactor is now past its design life, the old risks are increasing, and new hazards have developed. A recent GAO report states that the "N Reactor has been operating three years beyond its expected life, and many systems and components are deteriorating. Maintaining safe operations through the mid-1990's will require considerable upgrading and rehabilitation."

Chairman Roddis in his report adds that "a number of things must be done to continue operations for the next four or five years, and even then the hazard to the general public will exceed that from a commercial reactor . . ." The Department of Energy indicates that safety and environmental improvements will cost at least $160 million dollars over the next several years. It is unclear whether these repairs will conform to and satisfy all the recommendations of the independent review panel. In any event, it is clear that it will be expensive to operate the reactor for the next 4 to 6 years. In addition to the costs of safety improvements, the annual expenses to operate the Hanford N Reactor exceeds $400 million each year. Even with the expenditure of these funds, the Hanford reactor will pose hazards which, in my view, are unacceptably high.

After this safety review, Chairman Roddis says DOE should simply "shut down the N Reactor unless a positive judgment is made that requirements for defense material warrant accepting public hazards exceeding those of commercial reactors." Dr. Harold Lewis, another panel member agrees and says in testimony before a House Committee "The proper course is to announce a permanent shutdown of N Reactor . . ."

In order to evaluate future requirements for defense material, as Mr. Roddis suggests, it is necessary to examine nuclear warhead delivery schedules and the annual Nuclear Weapons Stockpile Memorandum (NWSM) which is the document designed to delineate our nuclear stockpile.

Nuclear warhead production.—The Joint Chiefs of Staff annually make recommendations on the nuclear weapons stockpile. This guidance forms the basis of the annual Nuclear Weapons Stockpile Memorandum. The NWSM is developed jointly by the Department of Energy and the Department of Defense. The joint NWSM is then forwarded to the National Security Council for approval by the President. The NWSM contains the basis for the composition and size of the nuclear stockpile. This document is called the "blueprint" for warhead production, retirement schedules, and special nuclear ma-

terial requirements. The Department of Energy indicates that it "manufactures, monitors, maintains, and retires all weapons composing this Nation's nuclear weapon stockpile in accordance with strict schedule requirements." In addition, "requirements for plutonium and tritium needed by the Nation's nuclear weapons program, are defined in terms of quantity and timing from the weapons stockpile projections contained in the joint Department of Energy/Department of Defense NWSM."

The problem with using the NWSM as a blueprint or strict schedule for nuclear weapons requirements is that it never comes close to reality. Without any Congressional input, it is a wish list of nuclear weapons for the Pentagon. Over the last six years, it has always overstated the number of warheads to be produced—sometimes by a factor of two. The five year projection of warheads contained in the 1984 budget request and the 1983 NWSM was over estimated on average by 35% as compared to the actual warheads which were built or are now projected. This version of the annual NWSM is illustrative, but similar inaccuracies are contained in all of the Stockpile Memorandums.

During this same five year period of exaggerated projections, Congress has reduced the budget request on average by four and one-half percent. Even with these reductions, the nuclear weapons account has more than doubled since fiscal year 1981. Clearly, Congressional budget cuts have been relatively minor and cannot account for the grossly inaccurate production estimates of the annual Stockpile Memorandums.

These annual stockpile documents may be useful in setting goals for warhead production. On the other hand, they never should be viewed as sacrosanct. They have little value as justification for specific future requirements. Our future production of warheads and the associated materials require Executive/Congressional approval or disapproval of specific weapons systems than on the constantly changing targets of the NWSM.

Nuclear Materials Production.—The Department of Energy (DOE) currently produces nuclear materials, primarily plutonium and tritium, for the nuclear weapons program in five production reactors. Four of these are at the Savannah River Plant in Aiken, South Carolina. One of the four, the L reactor which was placed on standby in 1968, was restarted in 1985. Another reactor at Savannah River, the C Reactor, has been shut down indefinitely since mid-1985 because of a crack in the reactor. The fifth, the N Reactor, is on the Hanford Reservation near Richland, Washington. The Hanford N Reactor, a graphite-moderate, light water-cooled reactor, produces plutonium for nuclear weapons. The Savannah River reactors are heavy water-moderated reactors which are operated for both plutonium and tritium requirements. The first priority for new production is to satisfy tritium requirements since this material has a short half-life (decays in about 12 years). Plutonium, with a half-life of 24,000 years, can be stockpiled for later use.

Most plutonium for new weapons, however, is obtained from retired weapons rather than from production at defense reactors. The most important source of plutonium is the current stockpile of weapons and the reserve inventory of plutonium which awaits use in future weapons.

Recycled plutonium from retired weapons accounts for a substantial majority of the material for new warheads, as it did through the late 1970's. Therefore, a nuclear weapons "modernization" and replacement program can be met largely through retirement and dismantlement of old weapons.

On the other hand, our current program, appears to modernize or build new weapons but does not replace in a timely manner the older, ineffective and less safe weapons. The amount of plutonium recovered through retired weapons has declined over the last six years and even less plutonium from retirements is projected for the next three years. This policy of reduced retirements translates into less plutonium for new weapons and an unnecessary reliance on old production reactors. The major reason for this troubling trend is the Pentagon's resistance to retire old nuclear weapons even after modern replacements are available. For this reason, the Congress in the last few years has urged the Defense Department to examine their policy on warhead retirement. Schedules for retirement should be reviewed for nuclear weapons such as the old Poseidon warheads; obsolete Lance missiles; outdated, ineffective artillery shells; atomic demolition munitions (nuclear backpacks) and other older systems. The Pentagon resists any change in policy. Such intransigence is unfortunate because by returning to earlier levels of retirements, we can significantly increase the amount of plutonium available for new weapons production and thereby become less dependent upon production from our reactors, particularly the Hanford N Reactor. A substantial amount of plutonium can be made available from older weapons which are, or soon will be, scheduled for retirement. In the near term, additional retirements could provide more plutonium than any production reactor.

On the production side of the equation, several new initiatives will contribute directly to increased output of plutonium for weapons in the future. First, the blending program, started in FY 1981, converted the Savannah River reactors to production of supergrade plutonium. By mixing supergrade with fuel-grade plutonium from Hanford, about 50 percent more weapons-grade plutonium is produced than with the reactors alone. Another effort at Savannah River which would increase reactor output is the use of high productivity cores, the so-called Mark 15 cores. These new reactor core designs will greatly increase plutonium production. The Department of Energy indicates that the use of these new cores should increase productivity in the Savannah River reactors by 10 to 25 percent. Although there is now increased concern over the power levels at the Savannah River reactors, these new production activities and the aggressive restoration program to upgrade facilities and equipment at Savannah River have increased the production capability of the operating reactors.

In addition to production enhancements, the Department of Energy indicates that significant amounts of plutonium can be recovered through increased processing of scrap at the production sites. Scrap recovery is a much safer and less expensive way to meet plutonium requirements than by utilizing the old production reactors. For a fraction of the cost of operating N Reactor, we can recover from easy-to-process scrap material, an amount of plutonium which exceeds the plutonium produced at the N Reactor. The total amount of plutonium from scrap processing overshadows the amount of plutonium available from any production reactor and certainly one such as the Hanford N Reactor which will cease to operate in 1995 at the latest.

Another materials initiative supported by Congress in recent years is the development of the Special Isotope Separation (SIS) project. The SIS technology would establish another method of plutonium recovery for weapons production. Using lasers, the Department of Energy's existing stockpiles of fuel-grade plutonium can be processed into weapons material. Much of the stockpile of fuel grade plutonium is now located near Richland, Washington. The Department of Energy plans to construct and operate a facility costing some $600 million at Idaho Falls, Idaho which will be operating in the early to mid-1990s. The original plan called for an SIS facility which had more than twice the output of the Hanford N Reactor. Whatever the final size of the facility, it will produce more weapons-grade plutonium than any of the current production reactors.

As a longer term option, since 1980 several studies have looked at possible designs and location for a new production reactor (NPR), mainly for tritium production. Options for a new tritium reactor are being considered by the Administration. If authorized by Congress, the NPR would require about ten years to construct and an estimated $3 to $6 billion, depending on the final design. Many types of reactors are being examined with the leading candidate probably the heavy water reactors. Three locations are competing for the NPR: Savannah River, South Carolina; Idaho Falls, Idaho; and Richland, Washington. Other proposals for conversion of a partially completed commercial light water reactor into a defense production reactor are being considered by the Department of Energy.

Conclusion.—An examination of the alternatives available to meet plutonium requirements shows that the production capability at present Savannah River facilities has been revived and expanded. Enhanced scrap recovery is a safer way to increase further our plutonium supplies. Without production at the N reactor, the use of existing facilities and reserve stockpiles can exceed near-term plutonium requirements. Moreover, options are available to meet our longer term plutonium and tritium supply projections.

In the last few years, we have expanded plutonium production and increased supply. Overstated projections in the Nuclear Weapons Stockpile Memorandum resulted in lower demand than anticipated. Increased supply and reduced demand have created a plutonium cushion. Available alternative supply options can add to the size of the plutonium cushion. The total remaining production at the Hanford N Reactor, another six years at most if it were restarted, represents less than 4% of our total plutonium stockpile and reserve supply. Since other plutonium options are available and because major safety and environmental problems will exist even if numerous costly safety measures are undertaken, the Hanford N Reactor should be shutdown permanently.

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INTERNAL DEPARTMENT OF ENERGY DOCUMENT

CONTINGENCY NO. 1

What if N reactor doesn't operate?

Impact—Loss of about KGS Pu per year.

Mitigating action—Implement MK-15 program in SRP Pu production reactors; accelerate processing of Pu SCRAP backlog at Hanford and SRP.

Effect—MK-15 provides about KGS Pu per year beginning FY 1990; accelerated SCRAP processing provides about KGS Pu per year.

Cost—MK-15 about $60m per year, for first 2 years; then $30m/yr; accelerated SCRAP processing—about $10m per year after initial investment of $70m.

Legend: KGS—Kilograms; SRP—Savannah River Plant; Pu—Plutonium; MK-15—Mark 15-High Productivity Cores at Savannah River Reactors; SCRAP—Additional Reserve of Plutonium Left Over From Warhead Production.

CONTINGENCY NO. 2

What if PFP doesn't operate?

Impact—Loss of about KGS Pu recovered from SCRAP per year, and additional KGS not reduced to metal at Hanford; loss of all Pu SCRAP processing and metal reduction capability at Hanford.

Mitigating action—Ship SCRAP now at Hanford to LANL and SRP for processing; defer processing of low-grade SCRAP in favor of richer material now at Hanford; ship Pu oxide from PUREX to LANL and SRP (beginning FY 1989).

Effect—About KGS additional Pu recovered at other sites; about KGS Pu SCRAP processing at LANL deferred in FY 1988 and FY 1989.

Cost—About $5M per year, after initial investment of $70M.

CONTINGENCY NO. 3

What if neither in reactor nor PFP operates?

Impact—Loss of about KGS Pu recovered from SCRAP and about KGS not produced per year; loss of all Pu SCRAP processing and metal reduction capability at Hanford.

Mitigating action—Implement MK-15 program in SRP Pu production reactors; accelerate processing of Pu SCRAP backlog at SRP, LANL, and RFP.

Effect—MK-15 provides about KGS Pu per year beginning FY 1990; accelerated SCRAP processing provides about KGS Pu per year.

Cost—MK-15 about $60M per year, for first 2 years; then $30M per year; accelerated SCRAP processing about $15M per year after initial investment of $70M.

Mr. JOHNSTON. Mr. President, I see the distinguished chairman of the full committee here. We thank him for his continued leadership of the full committee and for his help on this bill, which has been of long standing and greatly appreciated by all of us. Senator STENNIS is the chairman and is our leader in more ways than one, and we appreciate his help and his leadership.

I yield to our beloved chairman.

Mr. STENNIS. Mr. President, I am pleased to present before the Senate today the energy and water development appropriation bill for fiscal year 1988. This bill, which provides $15.9 billion in total budget authority for fiscal year 1988, reflects the diligent care and able effort which our entire committee has rendered. In particular, however, it is evidence of the hard work and excellent leadership of subcommittee Chairman JOHNSTON and the ranking minority member, Senator HATFIELD. I also wish to compliment the highly skilled work of the staff of their subcommittee: Mr. W. Proctor Jones, Mr. W. David Gwaltney, Mrs. Gloria Butland, Mr. Steve Crow, and Ms. Judee Klepec.

I now wish to briefly highlight a few important items regarding this bill.

First and foremost, I am pleased to report that this bill is below the 302(b) allocation for budget authority and outlays. As I have previously indicated, this is essential for all appropriation bills which are to be taken up for consideration on the Senate floor.

Second, the committee's recommended $15.9 billion in budget authority is below the President's request of $17.7 billion and is below the House-passed level of $16.1 billion.

Finally, I would ask my colleagues to resist any further amendments adding additional funds which would violate the bill's spending ceiling set by the subcommittee's 302(b) allocation. Let me also mention that the Senate rules do not permit legislative amendments on appropriation bills.

In conclusion, I firmly support this bill and ask that it be adopted so that we can proceed to conference with our House counterparts in a timely manner.

Mr. President, I yield the floor.

Mr. HECHT. Mr. President, the high level nuclear waste issue is a very complicated and politically volatile problem. I realize that many in the Senate, as well as the other body, are under the impression that this problem was solved with the passage of the Nuclear Waste Policy Act of 1982. Unfortunately for all of us, the implementation of that law has been a disgrace. In fact, it has been so bad, that the program has basically fallen apart.

While some provisions that we will debate over the next few days do represent a definite improvement over existing law, there are still two fundamental flaws in these provisions that compel me to oppose them.

First, the basic assumption of these provisions, that deep geologic disposal of spent nuclear fuel is the way the United States should handle its nuclear waste is wrong. I am completely opposed to deep geologic disposal, whether it is in Nevada, or anywhere else. It will be extremely expensive and has not been proven safe. I think that deep geologic disposal should be rejected for both conceptual and practical reasons. What this legislation does is commit our Nation to an approach that will cost billions and is unproven, even though there are better methods being used in other parts of the world.

Conceptually, this approach will require us to transport large amounts of highly radioactive material completely across the country. With the new concerns that are being raised about transporting toxic and potentially explosive substances on our highways, can you imagine the outcry when we start trying to transport radioactive nuclear waste.

Just a few years ago, the Virginia Power Co. ran out of storage space for nuclear waste at its Surry nuclear powerplant near Williamsburg. The company wanted to ship some of the waste a mere 160 miles to a much newer plant at North Anna with plenty of extra storage space. But there was an incredible outcry from the public along the proposed transportation route, so the waste was never moved. Instead, they ended up building modular dry cask storage facilities at the Surry plant, at about $1 million a cask, and they are going to let the waste just sit there indefinitely on a slab of concrete. Just think of the public outcry, Mr. President, when the Energy Department tries to institute a program of large, frequent shipments of waste that will be moved not 160 miles, not 500 miles, but thousands of miles across the country.

These provisions require us to deposit material with very great energy potential in a remote location, hundreds or even thousands of feet underground. To retrieve it at some future time for its energy potential for recycling would be costly and difficult.

Instead of going down the expensive and counterproductive path of deep geologic disposal, we should reprocess our nuclear waste, recycle it, put it back into nuclear reactors and burn it as fuel. In the long run this will save the American people billions of dollars and provide a valuable energy source.

Second, the basic assumption of these provisions should be rejected for the practical reason that following it to its logical conclusion means having the United States rush headlong down a path that no other country is pursuing with the anywhere near same blind intensity. Instead, most countries with significant nuclear energy programs reprocess and recycle their spent fuel, and then let the residual waste cool for decades before disposing of it permanently. This reduces the volume dramatically.

Even the countries that have not committed themselves to reprocessing, do nonetheless plan to let their spent fuel cool off in a MRS-type facility for 40 or 50 years before disposing of it permanently. Only the United States is mindlessly rushing down the foolhardly path of opening a repository in the next 15 to 20 years and putting spent fuel in it that has been aged as little as 10 years. It's time to realize that the United States does not have a monopoly on all the world's brainpower. It seems to this Senator, that if another country has a nuclear waste management program that works, and many do, then the United States ought to be willing to open its eyes, learn what we can from the successes of other countries, and modify our own programs accordingly.

I think it is time the American people understand what is going on here. This is the classic case of trying to put your garbage in someone else's yard. The people that have the nuclear reactors in their States and are deriving the benefits don't want to keep the waste they create in their own States. Let's look at the map there for a second. Of the 127 nuclear powerplants that are operating, under construction, or planned in this country, only 15 are located in the 13 Western States, Alaska and Hawaii. Of these 15 Western powerplants, 6 are in just one State. Not one of these nuclear powerplants is in Nevada, and yet my State is many people's favorite choice for an unnecessary repository.

Mr. President, some people have claimed that the only reason Nevadans are objecting to a repository is because they are caught up in what some call the "not-in-my-backyard syndrome." Well, let's be honest with each other and direct with the American people: Who is more caught up in the not-in-my-backyard syndrome. The people of Nevada, or the people who have made this waste in their own backyards and now are so very bold, and so arrogant, as to think they have a right to dump it across the fence into my State's backyard.

The reason there is not broader support for reprocessing of nuclear waste is that the reprocessing facility would most probably be built in the East, where the nuclear powerplants are concentrated. So, for political reasons and not in the interest of cost-efficient government or good management, we are ignoring the right solution and rushing headlong into something that isn't logical and in the end won't work. We should let nuclear waste cool off, reprocess it, recycle it, and put it right back into a reactor and burn it as fuel. The problem is not a lack of information. The problem is a lack of political will to do what needs to be done, to do what should be done, to do what is the best and most intelligent thing for the country, despite geographical considerations.

I believe we should store nuclear waste for several decades at or nearby the reactor that generated it, then, once it has become less radioactive, we should move it to one or more regionally based monitored retrievable storage facilities and let it cool off for a few more decades. Finally, we should reprocess the spent fuel, and recycle its energy potential by making mixed oxide fuel that can go back into the nuclear reactors and be burned. The relatively small volume of high level radioactive waste left over after reprocessing can eventually be disposed of either in a repository, or as part of a cooperative international effort on subseabed or similar disposal. And, with the scientific community hard at work, we might yet find another, safer alternative.

Mr. President, during the course of the debate on this bill I will discuss in greater detail my views on the appropriate approach to high level nuclear waste management for this country.

My goals in this debate will be threefold. First, to inform my colleagues of the alternative approaches to nuclear waste management, such as reprocessing, that are working in other parts of the world. I plan to show that there is a way to manage nuclear waste that is technically sound and superior to deep geologic disposal.

My second goal is to modify the bill as reported out of the Appropriations Committee by attaching a number of perfecting amendments. These amendments will allow future generations to reconsider and easily change the proposed approach when they choose to do so.

Finally, my third goal in this debate is to amend the committee's bill to make the current program fairer and safer, so in case future generations do decide to stick with the current program, then these amendments will make sure that the State most affected by that program will be fairly compensated by the rest of the country.

Mr. President, I am looking forward to this debate. I want my colleagues to know that I understand the importance of appropriations bills, and it is not my purpose to arbitrarily impede the flow of business in the Senate. But high-level nuclear waste management is a very important issue, and I think we need to have it fully discussed.

AMENDMENTS TO THE NUCLEAR WASTE POLICY ACT

Mr. JOHNSTON. Today the Senate begins consideration of H.R. 2700, the energy and water development appropriations bill for fiscal year 1988. Incorporated in this appropriations bill are the provisions of S. 1668, which would provide needed redirection to our Nation's Nuclear Waste Program. S. 1668 was approved overwhelmingly by the Committee on Energy and Natural Resources and incorporated by reference by the Committee on Appropriations.

It is my hope that the Senate will act favorably on this nuclear waste legislation in the next day or so. I believe that this legislation is essential to keep our Nation's Nuclear Waste Program moving forward to accomplish the goal of safe, permanent disposal of spent nuclear fuel and high-level radioactive waste.

Many of my colleagues will recall that we took major strides toward this goal in 1982 with the passage of the Nuclear Waste Policy Act. The 1982 act was passed after 25 years of effort with the goal of developing a program for the safe, permanent disposal of nuclear waste in a timely manner. The act made the Federal Government responsible for the permanent disposal of this waste and set forth a schedule for the Department of Energy to carry out a program to site, construct, and operate both temporary above-ground storage facilities and permanent deep geologic repositories.

A sound national policy is set forth in the Nuclear Waste Policy Act of 1982. Unfortunately, critics of the process laid out in the act and those critical of the decisions made under the mandate of the 1982 act would have us rethink that national policy and start the process all over from scratch. Under that scenario, decisions would be postponed indefinitely. Further study of the issue of nuclear waste disposal may have political appeal, but it will not move this country any closer to safe, permanent isolation of the waste. If the current program is shut down indefinitely, it will be, in all likelihood, many years before a new program is developed. Therefore, I believe that such an approach would be a neglect of our responsibility in Congress.

The nuclear waste legislation incorporated in this appropriations bill would take a different approach. This legislation would streamline the process for finding suitable sites for a repository and a monitored retrievable storage facility. It would make changes in the existing program but keep it moving forward, an approach that I believe is vastly preferable to alternatives that would merely put the program "on hold" and postpone difficult, but essential, decisions.

There are four principal elements of the waste legislation included in H.R. 2700. These four points are:

Sequential characterization of candidate repository sites, with selection of a preferred site for characterization by January 1, 1989.

Authorization of a monitored retrievable storage facility for spent nuclear fuel as part of an integrated nuclear waste management system.

Benefits payments for States, Indian tribes, and units of local government that host a repository or monitored retrievable storage facility.

Suspension of further site-specific work on a second repository until the need is fully evaluated in 2010.

The Department of Energy's nuclear waste program is now at a crossroads. From a technical standpoint, it is ready to go forward. More than $3 billion has been collected from electric utility ratepayers to finance this program. Yet there are continuing efforts to prevent that technical work from going forward. Definitive programmatic decisions that have been made since 1986—selecting certain first repository sites for characterization, while rejecting others; identifying potential second repository sites; and proposing a preferred site for an MRS facility—

have served to focus intense concern and criticism on the program. Most of this criticism, perhaps understandably, has come from States identified as having potential sites.

It has become evident that the nuclear waste program needs to be refocused and streamlined in order to move it off dead-center and out of this political crossfire. It has also become evident that additional efforts are needed to mitigate any perceived adverse impact from the siting of a repository or MRS. Congressional direction is needed to resolve the political issues and the controversy between the affected States and the Federal Government.

Between January and July 1987, the Committee on Energy and Natural Resources held 10 hearings related to the Department's nuclear waste program in an effort to get at the root of the problems facing the program. Testimony from those hearings—which included witnesses representing the administration, the Nuclear Regulatory Commission, the National Academy of Sciences, State and local governments, the nuclear utilities, and the environmental community—revealed that the problems that confront the nuclear waste program are political rather than technical.

Technical experts from the Nuclear Regulatory Commission and the National Academy of Sciences confirmed that the Department has done adequate technical preparation to proceed with site characterization at the three candidate sites. While there are legitimate technical issues that have been raised by the States and other interested parties, it is clear from the record of these hearings that the Department is committed to resolving these issues. This can only occur through continuation of the ongoing work and through detailed site characterization.

The Department has put a tremendous amount of effort and resources into collecting the necessary data to select these candidate sites and into planning for detailed testing during site characterization. As soon as site characterization plans are completed and reviewed by NRC and the public, the Department will be ready to proceed with detailed testing at each of the three candidate sites, which will include the sinking of exploratory shafts. A major part of the testing program at these sites will be construction of an exploratory shaft facility at the proposed depth of a repository to obtain the necessary data and information on the suitability of the sites.

That technical program is ready to go forward. Nothing in the hearing record of the Committee on Energy and Natural Resources has shown any reason not to go forward with that program. The hearing record has revealed, however, a process by which the nuclear waste program could be carried out more smoothly and cost effectively. It has become clear that refinement of national policy will better enable us to meet the statutory goals of the 1982 act of safe, permanent disposal of nuclear waste in a timely fashion.

I believe that the legislation embodied in this appropriations bill will provide needed redirection to the Nuclear Waste Program and will better address the goals of the 1982 act in several ways:

Selecting a single site for characterization for a first repository instead of characterizing three sites simultaneously will make it possible for the technical expertise and resources of the Department and its contractors to be concentrated on that one site.

Characterization of one site instead of three will provide cost savings of between $3 and $4 billion.

This cost savings will allow the Department to provide benefits payments to a host State or Indian tribe to mitigate any perceived adverse impacts from the siting of a repository or MRS within its borders or on its reservation.

The offer of generous benefits payments to a host State or Indian tribe has the potential to encourage a State or Indian tribe to request siting of an MRS facility.

Authorization of an MRS facility will allow the Department to proceed with construction of a facility as soon after January 1, 1989, as a suitable site is identified. Authorization of the facility will better ensure that the Department is able to meet its contractual commitment to accept spent fuel from utilities beginning in 1998.

Development of an MRS as an integral element of the waste management system will provide a facility that can serve both as a packaging and handling facility during repository operation and as an interim, or backup, storage facility prior to operation of a repository.

Suspension of any screening of potential sites for a second repository until the need for such facility is fully evaluated will allow the Department to focus its efforts on developing the first repository.

It is imperative that Congress take decisive action in this session to reaffirm the statutory goals of the 1982 act, to refocus and streamline the process for selection of suitable repository or MRS sites, and to ease the political difficulties associated with the program. Only the Congress is in the position to provide the necessary redirection to the Department and to the States to allow the program to move forward. I believe that this legislation will accomplish these goals in a reasonable and effective manner.

Let me attempt now to respond to some of the charges levied by critics of this bill.

Critics charge that the January 1, 1989, date for selection of a preferred site would be premature and that the information base is too limited to make such a decision. These critics would have us stretch out the process for many more years before continuing with detailed site characterization and exploratory shaft drilling at any of these sites.

It is important to remember that all three of the sites—in Nevada, in Washington, and in Texas—have already been selected for characterization. All three sites have already been found suitable for detailed characterization and testing. The Nuclear Regulatory Commission has reviewed the data base leading to selection of these sites, and they have confirmed that there are no technical reasons not to go ahead with characterization of all three sites. The National Academy of Sciences has also reviewed the process by which these three sites were selected. The Academy has stated that they have seen nothing to indicate that these sites were selected inappropriately.

So the important point, in my opinion, is that it is time now to move toward these essential decisions. Postponing this decision on a preferred site for characterization for several more years will accomplish nothing but to delay this essential decision. It is important to remember that we are not picking a final repository site with this decision on a preferred site, but rather we are picking a site for 5 to 7 years of detailed testing. If that site is found to be suitable, which we hope it will, it will then be subjected to the rigorous licensing process of the Nuclear Regulatory Commission. It is only after that hurdle is cleared—and after all the safeguards are in place—that we will have a final repository site.

The critics also charge that a monitored retrievable storage facility is not necessary and that it will simply derail our efforts to develop a suitable final geologic repository. That is simply not true. An MRS will provide a number of advantages to the operation of the overall waste management system. I believe that the MRS will provide essential benefits by improving system flexibility during operation of a repository and by providing insurance in the form of backup storage in the event that sequential repository site characterization does not result in an operating depository by 1998. Let me emphasize again that the MRS is not intended to be a substitute for permanent, deep geologic disposal. It is simply a piece of the overall waste management system that offers cost advantages and system flexibility.

I am also concerned about some of the provisions of the nuclear waste proposal put forth by my colleagues on the Environment and Public Works Committee, Senators BREAUX and SIMPSON. These provisions were reported as part of that committee's budget reconciliation package. Let me take a minute to address those concerns.

The Breaux-Simpson proposal would defer the selection of a preferred site until after completion of a surface based testing program. I believe this will only serve to delay the selection of preferred site until 1991 or beyond and will result in a much longer test program than we now envision. In addition to delaying the process unnecessarily, it would also minimize substantially the benefits to be gained from selecting a preferred site and concentrating technical expertise on that one site. According to the Department of Energy, such a surface based testing program could take as long as 3 years and would be in addition to the 5- to 7-year test program already envisioned that would involve the drilling of an exploratory shaft for at-depth characterization.

The Department has put together a time schedule that outlines its best estimate of the time required to carry out the program outlined in the Breaux-Simpson approach. I am concerned because that time schedule indicates that under the Breaux-Simpson approach, the Department would likely not be able to select a preferred site until well into 1992. As I have stated, I believe that sequential characterization of candidate repository sites is the prudent course for this program, but I am afraid that postponing a decison on a preferred site until as late of 1992 would remove many of the benefits of such a course of action.

I am also concerned about the apparent requirement in the Breaux-Simpson proposal to prepare a full-scale environmental impact statement at the point of selection of a preferred site. The Breaux-Simpson provision states simply that the requirements of the National Environmental Policy Act will apply, leaving it up to the Department of Energy—and ultimately the courts—to determine whether this decison point is a major Federal action requiring preparation of an EIS.

I do not believe that an EIS should be required at the time of selection of a preferred site. Existing provisions of the Nuclear Waste Policy Act require preparation of an EIS after site characterization is successfully completed at the time that a license application is submitted to NRC. It is at that point that the major decision is made, when a site is found suitable by DOE and it is then subjected to the NRC's rigorous licensing process.

An EIS at the time of selection of a preferred site would be premature. Let me emphasize again that all three of the candidate sites—in Nevada, in Washington, and in Texas—have already been selected for site characterization. We can already go ahead with detailed testing at all three sites. That testing—without the amendments we have proposed in this appropriations bill—will lead to the drilling of exploratory shafts at all three sites. That activity is already contemplated and anticipated under the provisions of current law. The provisions of S. 1668 would simply direct the Secretary to select only one of the three candidate sites at which this work would be conducted.

So I do not believe anything new is contemplated by the selection of a preferred site for characterization that would require preparation of an environmental impact statement at this juncture. I am concerned, however, that such a requirement would impose new restrictions and time delays.

It is my hope that the Senate will act quickly this week to approve the amendments to the Nuclear Waste Policy Act that have been incorporated in this appropriations bill. I believe that these amendments will redirect the nuclear waste program in such a way to keep this Nation on course for making difficult, but essential, decisions relating to the safe, permanent disposal of nuclear waste.

I ask unanimous consent that a summary of major provisions of this legislation and a section-by-section analysis be included in the RECORD. I also ask unanimous consent that the text of correspondence received from the Department of Energy and the Nuclear Regulatory Commission be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR PROVISIONS—AMENDMENTS TO THE NUCLEAR WASTE POLICY ACT, S. 1668, AS INCORPORATED IN H.R. 2700

FIRST REPOSITORY

Directs the Secretary of Energy to select by January 1, 1989 one of the three candidate repository sites for detailed site characterization

If the selected site is found suitable after testing program, a repository, if licensed by the Nuclear Regulatory Commission, would be constructed at that site. If the selected site is not suitable, the Secretary would be directed to select one of the remaining two candidate sites for detailed testing.

Selection of the preferred candidate repository site will be made based on consideration of the prospects for successful licensing by NRC, potential disqualifying factors at the site, potential adverse impacts on the public health and safety and the environment, and the estimated cost of development and operation of a repository at the site. The Secretary's selection decision shall include a detailed statement of the basis for the decision and include a comparative evaluation of the three sites.

Activity at the three candidate sites between enactment of this legislation and January 1, 1989 shall be carried out in a way to provide the maximum useful information for selection of a preferred site. No exploratory shaft construction would be permitted until such time as a preferred site is selected.

Allows judicial review of the Secretary's selection of one site only by the Temporary Emergency Court of Appeals under an expedited schedule. Grounds for review would be the standard grounds of the Administrative Procedures Act.

SECOND REPOSITORY

Suspends further site-specific work on a second repository and removes requirement to select candidate sites.

Requires the Secretary to submit a report to the President and Congress between January 1, 2007 and January 1, 2010 on the need for a second repository.

Retains 70,000 metric ton limit on volume of spent fuel or high-level waste to be disposed of in a first repository.

MONITORED RETRIEVABLE STORAGE

Authorizes construction of a monitored retrievable storage facility.

Annuls the Secretary's selection of a preferred MRS site in Oak Ridge, Tennessee and selection of two alternative sites in Tennessee.

Directs the Secretary of Energy to survey three potential sites in not less than two states for an MRS that is an integral part of a nuclear waste management system. Criteria to be used in site selection include minimization of transportation impacts, minimization of adverse effects on local communities, and other factors. Directs the Secretary to give no preference to its previous selection of sites in Tennessee.

Directs the Secretary to make every reasonable effort to find a state willing to accept an MRS facility. Allows any state to come forward between now and January 1, 1989, to request the facility.

If a state volunteers an MRS site that is found acceptable, the Secretary could proceed with construction of the facility and negotiate a benefits agreement.

If no state volunteers for an MRS, the Secretary would be required to select one site not before January 1, 1989 and not later than October 1, 1989. Host state would be allowed to vote the Secretary's selection. That notice of disapproval would stand unless both the House and Senate pass a resolution of approval within 90 days of continuous session.

Directs the Secretary to study the feasibility of additional MRS facilites. This study shall include an examination of the desirability of co-locating an MRS site for spent fuel with a site where substantial volumes of defense high level radioactive waste are generated.

Directs the Secretary to conduct a study and evaluation by October 1, 1988 of the use of dry cask storage technology at reactor sites for temporary storage until a repository is ready to receive spent fuel.

Directs the Secretary to submit to Congress by April 1, 1989 a study of the potential benefits of storing spent fuel for at least 50 years prior to emplacement in a repository.

BENEFITS

Authorizes the Secretary to negotiate benefits agreements with states containing preferred sites for a repository or MRS.

Provides substantial benefits for a state that hosts a repository or MRS:

For a repository, $50 million per year upon execution of a benefits agreement.

Upon receipt of spent fuel at a repository, payments would increase to $100 million per year and continue for the life of the facility.

For an MRS, $20 million per year upon execution of a benefits agreement.

Upon receipt of spent fuel at an MRS, payments would increase to $50 million per year and continue for the life of the facility.

Affected units of local government would be entitled to not less than one-third of benefits payments.

As part of benefits agreement, state would waive its right to veto the siting of a repository or MRS.

Establishes Review Panel to allow maximum oversight by state and local officials and other interested parties as part of benefits agreement.

MISCELLANEOUS PROVISIONS

Directs the Secretary to contract with the National Academy of Sciences for a study of the major facets of reprocessing of spent fuel, including economics, impact for the proliferation of nuclear weapons, and effects of reprocessing on nuclear waste management. Requires submission of this report to Congress by September 30, 1989.

Directs the Secretary to report to Congress within 270 days of enactment on subseabed disposal of spent fuel and high-level radioactive waste.

Adopts new statutory provisions with respect to transportation of spent fuel and high-level radioactive waste. These provisions include requirements that transportation packages be certified by the Nuclear Regulatory Commission, that the Secretary abide by NRC regulations regarding advance notification of state and local governments prior to nuclear waste shipments, and that the Secretary provide technical assistance and funds to states for emergency response training.

Allows a state that borders a repository host state and that lies contiguous to a river, waterway, or acquifer that flows adjacent to or underneath the repository site to participate in the site selection and approval process, with similar rights as that accorded to the host state.

SECTION-BY-SECTION ANALYSIS

SECTION 1

This section provides that the subtitle may be cited as the "Nuclear Waste Policy Act Amendments Act of 1987".

SECTION 2

This section amends the Nuclear Waste Policy Act of 1982 by adding a new title IV entitled "Program Redirection". The new title has ten sections as follows:

*Section 401*

This section contains the findings, purpose and definitions for the title.

The findings include a statement that significant savings from reduced costs to the nuclear waste management system can be achieved in the near term by redirection of the national nuclear waste program to construct a monitored retrievable storage (MRS) facility and to characterize candidate repository sites sequentially, rather than in parallel as is provided for in the Nuclear Waste Policy Act of 1982.

The cost of characterizing candidate repository sites has been estimated at approximately $1 billion per site. Therefore, successful characterization of one candidate site, rather than full characterization of three, will significantly reduce program costs. Based on the record, there is ample reason to believe that at least one of the three candidate sites now under consideration can be successfully characterized.

The construction of an MRS facility, as proposed by the Secretary of Energy, is necessary in the scheme proposed here. Construction of an MRS facility provides a number of advantages. MRS results in cost advantages, improves system flexibility, and provides insurance in the form of backup storage in the event that sequential repository site characterization does not result in an operating repository by 1998, which is the time the Secretary is obligated to accept spent nuclear fuel under existing contracts with nuclear utilities.

Thus, sequential characterization of candidate repository sites, construction of an MRS facility, and significant budget savings go hand in hand.

A second finding is that the redirection of the program as set forth in this legislation is required to permit the Secretary to carry out in a timely fashion his responsibilities under the NWPA to accept spent nuclear fuel and dispose of it. This legislation provides definitive Congressional direction to proceed with the siting of the facilities the program needs and new authority to assist the Secretary in resolving conflicts involving States, Indian tribes and units of local government in siting those facilities.

Accordingly, a final finding is that it is appropriate for the Federal Government to provide payments to an Indian tribe when a repository or a monitored retrievable storage (MRS) facility is sited on the reservation of the tribe, and, when the facility is not sited on a reservation, it is appropriate to provide payments to the State and to affected units of local government where the repository of MRS facility is sited.

The authority to make these payments provides an opportunity, not available under current law, for significant benefits for a State, tribe or unit of local government from the siting of a repository or an MRS facility. Authority to make these payments provides the potential that a State, tribe or unit of local government might determine that it is advantageous to cooperate in the siting of the needed facilities.

The term "affected unit of local government" is defined for purposes of the new title IV to include, at the discretion of the Secretary, units of local government contiguous to the unit of local government where a repository or MRS facility is sited. The Secretary has the flexibility to designate a contiguous unit of local government as "affected" when the Secretary feels that to do so will promote equity and further the process of facility siting and development.

*Section 402*

This section directs the Secretary, by January 1, 1989, to select a preferred site for characterization for the first repository.

The Secretary would make the selection from the three sites previously selected for characterization as candidate sites for the first repository: on the Hanford Reservation in Richland, Washington; in Deaf Smith County, Texas, and at Yucca Mountain in Nevada.

The President has already determined that each of these three sites is suitable for characterization as a candidate site for the first repository. No new information or analysis is necessary in order to proceed with full characterization of all three sites. Under section 402, the Secretary is directed to select the most suitable of these three sites for characterization.

In making the selection of one of these sites as a preferred site, the bill directs the Secretary to give primary consideration to the four factors set forth in subparagraphs (1)(A) through (D). These factors are to be considered for the purpose of selecting one site from the three for characterization. The factors supplement the guidelines under section 112 of the Act and supercede the guidelines where inconsistent with them. The guidelines under section 112 are for the purpose of selecting sites for characterization generally. The factors included in this section are intended to be used to select the single site most suitable for characterization.

The Committee is aware that significant ground water or surface water resources, or both, may be present at each of the three sites from which the Secretary must select a preferred site for characterization. The Committee also is aware that several States and Indian tribes have expressed strong concerns about the adequacy of the Secretary's assessment of potential impacts from storage and disposal of nuclear waste on these water resources. The Committee anticipates that in carrying out the purposes of this Act the Secretary will fully consider the presence of surface water or ground water resources, and potential impacts, if any, to those resources.

Subsection (a)(2) directs the Secretary to carry out such activities at the three sites as the Secretary decides will provide useful information for selecting the preferred site. The bill requires that the selection of a preferred site be made by January 1, 1989 and that the Secretary's decisions about information gathering activities will be guided by this selection deadline. Information gathering activities should be structured in such a way not only to provide the greatest amount of useful information but also to ensure that this selection deadline is met.

Subsection (a)(2) also specifies that the Secretary shall not initiate construction of an exploratory shaft facility until such time as a preferred site is selected under this subsection. It is the Committee's understanding that the Department does not intend to construct exploratory shafts during the period between now and January 1, 1989. The Committee felt, however, that a statutory limitation would underscore its intent that exploratory shaft construction not be initiated prior to selection of a preferred site.

Upon selection of a preferred site, the Secretary is required to take all those actions that normally would have been taken under the first three titles of the Act to characterize the site and to prepare for licensing, construction, and operation of a repository at the preferred site. Activities at the sites not selected would be suspended as soon as possible, in such a way to ensure an orderly close out of site-specific work.

If a preferred site that has been selected by the Secretary is subsequently determined by the Secretary to be unsuitable for a repository, the Secretary must immediately make this determination known to all interested parties, suspend benefits payments under this title, and begin a process of selecting a new preferred site from the sites remaining of those considered under subsection (a). In selecting a new preferred site, the Secretary would repeat within six months the process outlined in subsection (a) for selection of a preferred site, including giving primary consideration in the selection to the same four factors listed in subparagraphs (a)(1)(A) through (D) and otherwise complying with the requirements of this section with respect to the selection process, including, for example, the environ-

mental evaluation required under subsection (f).

Subsection (d) provides that the State in which the preferred site is located and any affected units of local government would be eligible for benefits payments under section 404 of this title.

Subsection (e) states that any decision of the Secretary to select a preferred site under subsection (a), to suspend work on other sites under paragraph (b)(2), or to reject a site chosen as a preferred site that later proves unsuitable under subsection (c) shall be in writing and shall be available to Congress and the public. It is the Committee's intent that these decisions shall be noticed in the Federal Register.

Subsection (e) also describes the process for judicial review of these decisions under subsection (a), paragraph (b)(2), and subsection (c). These decisions shall be subject to judicial review only by the Temporary Emergency Court of Appeals (TECA). Any action for judicial review must be filed within 30 days after public notice of the Secretary's decision. TECA is directed to decide any such case in 60 days. This deadline may be extended by 30 days, and the extension may be renewed twice. The total review time by TECA, therefore, shall be no more than 150 days.

Except as noted below, the grounds for review of these decisions shall be the standard grounds of the Administrative Procedures Act (5 U.S.C. 706). The Secretary's decision, therefore, could be found unlawful if found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory rights; or without observance of procedure required by law. Two additional grounds for review under the APA are not included as grounds for review in this instance because they are inapplicable to the process that would take place. These grounds are: lack of support by substantial evidence on the record of an agency hearing; and claim that the action is unwarranted by the facts to the extent that the facts are subject to a trial de novo by the reviewing court. These grounds are inapplicable because the Secretary's action under this section would not involve adjudicatory or rulemaking hearings on the record and because the review is not intended to involve extensive fact-finding by the reviewing court.

The Committee's objective in allowing judicial review only by TECA is to expedite the process of review. The Committee does not want to stop or delay the process of site characterization of a preferred site because of a prolonged court review. The exclusive right of review by TECA applies only to the Secretary's decisions under subsection (a), paragraph (b)(2) and subsection (c). This provision is not intended to restrict or preclude judicial review of other actions by the Secretary under this section, title, or Act except as expressly provided. Judicial review would apply to other actions in accordance with current law.

The Committee intends that the same process for judicial review under this subsection would be followed if a new preferred site were selected under subsection (c).

Subsection (f) requires the Secretary to prepare a detailed statement of the basis for his selection of a preferred site and to prepare an environmental evaluation as described in subparagraphs (1)(A) through (D). The Committee does not intend the detailed statement or environmental evaluation to be either an environmental impact statement or environmental assessment as required under the National Environmental Policy Act of 1969 (NEPA). Indeed, the environmental evaluation required is not pursuant to NEPA, but rather is specifically authorized and directed by this section as separate statutory authority. The detailed statement and environmental evaluation are documents required solely to support the Secretary's selection of a preferred site under this section. The intent of the environmental evaluation is to make it clear how the Department reached its decision on the preferred site. It is intended to be a comparative evaluation of the sites, which contains information on the relative pros and cons of the preferred site. These documents are not intended as a supplement to the previously-completed environmental assessment of the preferred site published by the Department in May 1986. As such, subsection (f) does not affect in any way any pending litigation on the adequacy of environmental assessments previously published by the Department.

Subsection (f)(2) requires the Secretary to solicit the comments of the National Academy of Sciences (NAS) and to provide an opportunity for public comment before preparing the environmental evaluation required under this subsection. The Committee intends that these comments relate to (a) what information NAS or the public believes should be considered prior to preparation of the environmental evaluation and (b) what information should be contained in the document. The Committee does not intend that a draft of the environmental evaluation be provided for comment by NAS or the public.

Subsection (f)(3) requires the Secretary to preserve all writings, records of meetings, draft reports and studies, and other documents and recordings relating to the selection of the preferred site and to the completion of the environmental evaluation for a period of two years following the date of selection of the preferred site. Subject to existing law, this paragraph also requires the Secretary to make these documents available to the public upon request. The intent of this paragraph is that documents would be available for public inspection for two years after the time of selection of the preferred site. The Committee intends that the availability of documents would be subject to existing laws of disclosure. The Committee does not intend this paragraph to provide any new authority to allow access to or restrictions on disclosure of predecisional documents or information.

The intent of subsection (g) is self-explanatory.

Subsection (h) requires the Secretary to report to Congress, within one year after the selection of the preferred site, on the potential impacts of locating a repository at the site. The potential impacts to be addressed in the report are specified in paragraphs (1) through (14). This list is not intended to be exclusive.

*Section 403*

This section addresses the siting of monitored retrievable storage facilities. Construction of an MRS facility is not authorized under current law.

Subsection (a) annuls and revokes the Secretary's proposal to locate a monitored retrievable storage facility in Tennessee. Therefore, in carrying out the provisions of this section, the Secretary is directed to give no presumption or preference to the sites in that proposal by reason of their previous selection.

The Secretary is directed under this section to conduct a survey and evaluation of three potentially suitable sites for a monitored retrievable storage facility in not less than two States between the date of enactment and January 1, 1989. Criteria to be considered in this survey are contained in paragraphs (1) through (6) of subsection (b). The Committee does not intend these criteria to be exclusive.

Subsection (c) provides a mechanism for voluntary siting of an MRS facility. Therefore, the Committee intends the Secretary to make every reasonable effort to find a State or Indian tribe with a suitable site that is willing to accept the facility by January 1, 1989. If successful in locating a suitable site within such a State or on a reservation, the Secretary is authorized to construct and operate an MRS facility consistent with section 141 of the NWPA and in accordance with applicable agreements under the new title IV. To help in the effort to find a suitable site within a willing State or on an Indian reservation, the Secretary is authorized under paragraph (2) of subsection (c) to provide grants to a State, Indian tribe, or unit of local government to support an assessment of the feasibility of siting an MRS facility in its jurisdiction or on its reservation, in the case of an Indian tribe. The Committee intends that the Secretary be afforded discretion in providing grants to States, Indian tribes, or units of local government.

If the Secretary does not select an MRS site within a willing State or on an Indian reservation under the provisions of subsection (c), the Secretary is required under paragraph (2) of subsection (d) to select a site from those surveyed in subsection (b) for an MRS facility. The Secretary's selection of a site under paragraph (2) of subsection (d) shall be on the basis of available information and shall be the site determined by the Secretary to be the most suitable for an MRS facility. This selection of a site shall be made between January 1, 1989 and October 1, 1989.

Subsection (e) provides for a veto by the State or Indian tribe selected to host an MRS facility under paragraph (d)(2). The procedure for notice of disapproval and Congressional review of such a notice is the same as the procedure set forth in current law for a repository.

Subsection (f) requires the Secretary to study the need for and feasibility of one or more monitored retrievable storage facilities in addition to the facility authorized under this section. The study shall examine the desirability of co-locating the site of an MRS facility for spent nuclear fuel from civilian nuclear activities with a site at which substantial volumes of high-level radioactive waste generated from atomic energy defense activities are located. The study shall also include the development of a plan for the management of defense high-level waste in a system that includes one or more MRS facilities capable of storing both high-level radioactive waste and spent nuclear fuel. The Committee intends that this study shall address other issues, as appropriate. The Secretary is required to report to Congress on the results of this study by April 1, 1989. If additional MRS facilities are found to be desirable as a result of this study, the Secretary is required to notify Congress and potentially interested States and Indian tribes and submit to Congress site-specific proposals for construction of additional MRS fa-

cilities in accordance with the provisions of section 141.

Subsection (g) provides that a State in which an MRS facility is located and any affected units of local government, or an Indian tribe, in the case that a site is located on a reservation, shall be eligible for benefits payments under section 404.

The intent of subsection (h) is self-explanatory.

Subsection (i) requires the Secretary to conduct a study and evaluation by October 1, 1988 of the use of dry cask storage technology at civilian nuclear power reactor sites for temporary storage of spent nuclear fuel until a repository is capable of receiving such fuel. The intent of the subsection is self-explanatory.

Subsection (j) requires the Secretary to submit to Congress by April 1, 1989 a report describing the potential benefits of designing a system to store spent nuclear fuel for at least 50 years prior to emplacement in a repository compared to the current system being designed for 10-year old fuel. Points to be addressed in the report are contained in subparagraphs (j)(1)(A) through (F).

Neither subsection (i) nor subsection (j) in any way limits, conditions, or qualifies the requirements of this title with respect to siting MRS facilities or geologic repositories.

*Section 404*

This section describes the conditions for entering into benefits agreements provided for in title IV.

Subsection (a) authorizes the Secretary to enter into benefits agreements with authorized representatives of States and Indian tribes. Benefits agreements must be negotiated in consultation with affected units of local government.

Subsection (b) provides that a benefits agreement can be amended only by mutual consent of the parties and terminated only under section 407.

Subsection (c) requires the Secretary to offer to enter into a benefits agreement with the Governor of the State containing the preferred site for the first repository. None of the three candidate sites selected for characterization for a repository is on an Indian reservation, so the Secretary would not seek to enter into a benefits agreement for a preferred site with an Indian tribe.

Subsection (d) requires the Secretary to offer to enter into a benefits agreement covering an MRS facility with appropriate States or Indian tribes.

Subsection (e) provides that only one benefits agreement can be in effect for a repository and only one for each MRS authorized by Congress.

Subsection (f) provides that decisions of the Secretary under this section are not subject to judicial review.

*Section 405*

This section describes the content of benefits agreements under section 404.

From the time of execution of a benefits agreement until spent nuclear fuel or high-level radioactive waste is received at the facility, annual payments under an agreement are $20 million for an MRS and $50 million for a repository. Upon receipt of spent fuel or high-level waste at the facility, annual payments would increase to $50 million for an MRS and $100 million for a repository and continue for the life of the facility. No payments shall be made before January 1, 1989. The Secretary may not restrict the purposes for which the payments are used, except that not less than one-third of any payment must be transferred to affected units of local government.

Subsection (b) requires that a benefits agreement provide for a Review Panel as described under section 406, for waiver of the right of a State or Indian tribe to veto a site under title I of the NWPA, for sharing of relevant licensing information among the parties to the agreement, and for participation of the State or Indian tribe in the design of the repository or MRS. The Committee intends that the State or Indian tribe be allowed to participate in the design of the repository or MRS as specified in paragraph (4) of subsection (b), but the Committee does not intend for State or Indian tribe concurrence to be required in order for the Secretary to proceed with a design or with the preparation of documents.

Subsection (c) provides that benefits payments be made from the Nuclear Waste Fund and states that the signature of the Secretary on a valid benefits agreement shall constitute a commitment by the United States to make payments in accordance with the agreement.

*Section 406*

This section describes the Review Panel referred to in section 405.

Subsection (a) provides that the Review Panel have seven members: two chosen by the Governor, two by affected units of local government, and three chosen by the Secretary. The Secretary's selections are the panel chairman, a member to represent persons paying into the Nuclear Waste Fund, and a member to represent other public interest.

Subsection (b) specifies the term, compensation, and payment of necessary expenses of members of the Review Panel. Expenses of the panel would be paid from the Nuclear Waste Fund.

Subsection (c) enumerates the duties of the Review Panel.

Subsection (d) requires the Secretary to make available promptly any information requested by the Review Panel or its Chairman.

Subsection (e) exempts the panel from the requirements of the Federal Advisory Committee Act.

*Section 407*

This section addresses requirements for the siting of a second repository.

Subsection (a) prohibits the Secretary from conducting site-specific activities with respect to a second repository unless these activities are specifically authorized by Congress and money is appropriated for them. This provision takes away the Secretary's authorization to conduct site-specific activities. A subsequent Act of Congress would be required before site-specific activities could be conducted.

Subsection (b) removes the requirement in current law that the Secretary nominate and recommend to the President sites for a second repository and that the President recommend to Congress a site for a second repository.

Subsection (c) requires the Secretary to report between January 1, 2007 and January 1, 2010 on the need for a second repository. The Committee intends that the Secretary be able to conduct whatever non-site-specific work is necessary to complete this report.

*Section 408*

This section authorizes the Secretary to terminate a benefits agreement if the site covered by the agreement is disqualified for its failure to comply with guidelines and technical requirements established in accordance with current law, or if the Secretary determines that the Nuclear Regulatory Commission cannot license the facility within a reasonable time. A State or Indian tribe may terminate a benefits agreement only if the Secretary disqualifies the site. Decisions made by the Secretary under the section are not subject to judicial review.

*Section 409*

Subsections (a) and (b) preserve provisions of the NWPA and powers of the Secretary under current law that are not expressly affected by this title.

Subsections (c) and (d) provide that the requirements of the National Environmental Policy Act of 1969 (NEPA) shall apply as provided in the NWPA, except that the provisions of section 114(a)(1)(D) and section 114(f) requiring consideration of three sites for a repository would not apply.

The Committee intends that the selection of a preferred site under section 402(a) of title IV should not be considered a major federal action requiring preparation of an environmental impact statement or an environmental assessment. The Committee does not believe that an additional NEPA statement should be required at the time of selection of a preferred site since an environmental assessment has already been completed for each of the three candidate sites previously selected for characterization and since there is a requirement under current law to prepare an environmental impact statement, following site characterization, prior to the time that a single site is recommended to the President for development as a repository.

The Committee also intends that any other actions of the Secretary under this title shall not be considered major federal actions for the purposes of NEPA compliance except as provided in the requirements of title I.

*Section 410*

This section limits appropriations for activities under the NWPA to $567 million in fiscal year 1988, $545 million in fiscal year 1989, and $484 million in fiscal year 1990.

SECTION 3

This section amends the Nuclear Waste Policy Act of 1982 by adding a new section 10 entitled "Reports". The new section 10 requires the Secretary to submit two reports to Congress.

Subsection (a) requires the Secretary to contract with the National Academy of Sciences for a study of the major facets of reprocessing of spent nuclear fuel, including economics, the impact of reprocessing on the potential for the proliferation of nuclear weapons, and the effects of reprocessing on nuclear waste management. The Secretary is required to submit this report to Congress by September 30, 1989.

Subsection (b) requires the Secretary to submit a report to Congress within 270 days of enactment of this section on subseabed disposal of spent nuclear fuel and high-level radioactive waste.

SECTION 4

This section amends subtitle A of title I of the Nuclear Waste Policy Act of 1982 by adding a new section 126 entitled "Transportation".

Subsection 126(a) requires that spent nuclear fuel and high-level radioactive waste be transported under the program mandated by the NWPA in packages that have been certified by the Nuclear Regulatory Commission according to its regulations. The Committee intends that this requirement

apply to shipments of both civilian and defense spent nuclear fuel and high-level radioactive waste that are transported under the program mandated by the NWPA.

Subsection 126(b) requires that the Secretary abide by NRC regulations regarding advance notification of State and local governments prior to transportation of such fuel or waste under the program mandated by the NWPA.

Subsection 126(c) requires the Secretary to provide technical assistance and funds to States for training of public safety officials with respect to transportation of spent nuclear fuel and high-level radioactive waste. It is the Committee's intent that such technical assistance and training will cover procedures for routine transportation as well as for emergency response. Such training and technical assistance should focus on prevention of accidents in transportation as well as emergency response after an accident. The Committee intends that the Department provide technical assistance and funds for training of State and local public safety officials, but the Committee believes that the actual training of local officials should be coordinated at the State level. Technical assistance and funds would be provided to the State, and it would be up to the State to coordinate training for local officials and to determine how funding for emergency response training should be spent. The Committee believes that it should be up to the State to determine the appropriate delienation of State and local responsibility in such matters.

Subsection 126(d) directs NRC to require actual tests of sample full-scale transportation packages prior to certifying any package design for the transportation of spent nuclear fuel or high-level radioactive waste under subtitle A or subtitle C of title I of the NWPA.

Subsection 126(e) directs NRC to conduct a survey of the packages for transportation or disposal of spent nuclear fuel or high-level radioactive waste used by other nations. Based on that survey, NRC shall submit a report to Congress by January 1, 1989 that describes foreign designs and comments on the potential for such designs to meet or exceed applicable NRC regulations or standards.

SECTION 5

Section 5 amends the repository site approval process under title I of the Nuclear Waste Policy Act of 1982 in two respects.

Subsection 5(a) amends section 114(a)(1) of the NWPA by adding a new subparagraph (I). This subparagraph provides that any recommendation to the President of a site for development of a repository under section 114(a) be accompanied by a statement by the Secretary, after consultation with the Secretary of Defense, that construction and operation of a repository at that site would not seriously jeopardize national security by reason of interference with national defense activities nearby.

Subsection 5(b) amends section 116 of the NWPA by adding a new subsection (e) to provide certain adjacent States with the same rights and opportunities to participate in the repository siting process as a State containing a candidate site under the existing Act. The adjacent States included under this subsection would be those that both border on the State in which the candidate site is located and lie contiguous to a river, waterway, or acquifer whose flow, as determined by the Secretary of Interior, passes adjacent to or underneath the site, and continues downstream or down gradient to the bordering State.

The Committee intends the Secretary of Interior shall be the arbiter with respect to whether an adjacent State lies contiguous to a river, waterway, or acquifer whose flow passes adjacent to or underneath the candidate site, and continues downstream or down gradient to such adjacent State. The Committee intends that the direction of the flow of the river, waterway, or acquifer shall be the important factor in determining the rights of adjacent States. For example, in a case where an acquifer underlies State A, which contains a candidate site, and also underlies a State on its eastern border and a State on its western border—if the acquifer flows to the east, then the State to the east would be entitled to rights as an adjacent State but the State to the west would not.

The Committee intends that this subsection shall apply only with respect to the siting of a repository and shall not apply with respect to siting of an MRS.

SECTION 6

Section 6 amends subtitle A of title I of the Nuclear Waste Policy Act of 1982 by adding a new section 127. This section requires the Secretary, in siting federal research projects, to give special consideration to proposals from States where a respository is located.

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SECRETARY OF ENERGY,
*Washington, DC, October 28, 1987.*

Hon. QUENTIN N. BURDICK,
*Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I have been following the actions of the Senate Environment Committee regarding the nuclear waste issue and wanted to discuss with you some particular concerns that have arisen in response to the Committee's proposal.

The various House and Senate committees have invested substantial time to address key issues in the nuclear waste area and the Department continues to stand ready to assist these efforts in any way possible. We remain convinced that an established program for the safe and effective disposal of nuclear waste is essential not only for the public interest but also for the future viability of the nuclear industry in this country. It is crucial that we move forward with the program and do so with a minimum amount of delay.

The proposal drafted recently by the Senate Environment Committee as part of its reconciliation package addresses several critical aspects of the program. I am concerned, however, that the approach set forth in the proposal may impose new burdens and create additional delays in the management of the waste program which are not necessary to ensure that the program is conducted in a safe and effective manner.

Specifically, we are concerned that the proposal would require a minimum two-year delay in the program prior to selection of a preferred site and create other scheduling requirements which could further push back the date when waste could be accepted at a repository site. Under this proposal, the Department would be unable to accept spent fuel by 1998, leaving unfulfilled the Department's established commitment to begin accepting waste by that date.

In addition, we believe the Environment Committee's proposal would fundamentally change the program in a way that would entail substantially greater costs and burdens for the program's operation. By requiring intermediate findings as part of the site characterization process, the proposal would inject into the program an entirely new source of uncertainty with respect to overall program costs and scheduling. This requirement, including a mandate for surface-based testing of three sites, would impose new costs and delays in an effort to obtain information and date which can be acquired more accurately and efficiently through full characterization.

Further, we are concerned that the proposal may refashion the program in a manner requiring the consideration of potential repository sites in 23 states. By incorporating into the proposal the National Environmental policy Act and its requirement of reasonable alternatives, the proposal could effectively repeal current numerical limits on such alternative sites. We are concerned that this requirement, along with several other provisions, such as the imposition of surface-based testing and the preservation of pending Court challenges to the program, may constitute, in the aggregate, rejection by the Congress of the bases for major decisions previously made in this program. Such retrenchment, embodying new ground rules for analyzing potential sites, inevitably risks the consequence of the Department being required to examine anew all locations whose geology, based upon our knowledge to date, renders them potential candidates for a repository. For your review, I have enclosed a list of the potentially affected states.

Finally, I believe it is important to express the Department's concern not only with respect to what the Environment Committee proposal would require, but also what the proposal would not require. Specifically, it would leave out incentives for the host state and would fail to authorize a Monitored Retrievable Storage facility. In our view, provisions in these areas would contribute significantly to the fulfillment of the program's objectives and enable them to be accomplished on a more efficient and reliable schedule. As you know, we have supported efforts to establish these provisions and have specifically voiced our support for S. 1668, sponsored by Senators JOHNSTON and MCCLURE, which contains them. It is our hope that the Senate will fashion a legislative package that will incorporate such features and place the program on a track that will minimize delays. In our view, the continued implementation of the current Act would be preferable to legislation that falls short of these objectives.

Again, I appreciate the work of the Environment Committee with respect to the waste issue, and look forward to continued cooperation with the Congress toward the development of a final legislative package.

Yours truly.

JOHN S. HERRINGTON.

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POTENTIALLY AFFECTED STATES

Washington, Nevada, Texas, Utah, Mississippi, Louisiana, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Michigan, Wisconsin, and Minnesota.

NUCLEAR REGULATORY COMMISSION,
*Washington, DC, October 2, 1987.*

Hon. J. BENNETT JOHNSTON,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing in response to your letter dated September 30, 1987 in which you requested clarification of the Commission's position on S. 1668, the Nuclear Waste Policy Act Amendments Act of 1987. The agency's position is set forth in the enclosure to the letter of September 14th to Senator John B. Breaux. The Commission does not oppose legislation which would require that only one site undergo at-depth characterization. The Commission does not believe that simultaneous characterization of three sites is necessary to ensure the public health and safety. The Commission expressed the concern, however, that sequential site characterization could considerably delay the schedule for opening a repository if the preferred site is found to be unlicensable.

Mr. Hugh Thompson, Director of the NRC Office of Nuclear Material Safety and Safeguards, reflected our specific concerns regarding a potential for delay in testimony before the Committee on April 28, 1987. We would refer you to page 6 of his statement in which he said:

"One of our principal concerns is that, considering the first-of-a-kind nature of this effort, selection of only one site for detailed site characterization runs a risk of resulting in a site which may ultimately prove to be unlicensable. If, after suspending characterization of other sites, DOE were to find its initially-chosen site inadequate, or if it could not provide assurance in a licensing proceeding that the site met NRC technical requirements, there could be considerable delay while characterization was completed on another site or slate of sites, with a consequent loss of momentum. The impacts of such a delay on NRC's stated belief that there is reasonable assurance that methods of safe permanent disposal of high level waste would be available when they are needed, would have to be carefully evaluated."

The staff has not identified any technical reason to preclude sequential site characterization. Thus, like the Commission, the staff does not identify any regulatory health and safety requirement for characterizing three sites in parallel.

The Commission believes that, under the Nuclear Waste Policy Act, the site selection process is the responsibility of the U.S. Department of Energy. The adequacy of the site will ultimately be determined by the NRC in a licensing proceeding. Although the NRC will be mindful of scheduling considerations, we will only license a site which satisfies our licensing requirements.

I hope that this letter clarifies the Commission's position on S. 1668. Please contact me if we can be of further assistance.

Sincerely,

LANDO W. ZECH, Jr.

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SECRETARY OF ENERGY,
*Washington, DC, October 1, 1987.*

DEAR GOVERNOR: As you know, in May 1986, I directed the Department of Energy to postpone, until the mid-1990's or later, site-specific work related to a second repository for high-level nuclear waste. I made this decision based on the progress in siting the first repository and projections which showed that a second repository is not needed until well into the next century.

Recognizing that new legislative action by Congress would be required to implement this decision, I said, in testimony before Congress on April 23, 1987, that absent Congressional direction to the contrary, the Office of Civilian Radioactive Waste Management (OCRWM) would resume site-specific activities for a second repository at the end of the fiscal year.

Opponents of the Department's second repository decision have filed suit to compel the Department to resume the site-selection process. Numerous cases regarding this matter are being litigated, and the U.S. Court of Appeals for the Ninth Circuit has scheduled an oral argument on this issue on October 9. In a declaration filed on June 26, 1987 in the case of State of Washington v. U.S. Department of Energy (9th Cir. 87-7085), I stated that I have notified OCRWM to "recommence site-specific activities on the second repository program by September 30, 1987 . . . in the event that Congress does not take legislative action . . . ."

I have been pleased to see action in Congress that holds considerable promise for new legislation regarding the second repository program. That has been encouraging. Both the House and Senate are considering bills to end the second repository process, although they differ in format. I am particularly encouraged by the progress of S. 1668, sponsored by Senators Johnston and McClure. It includes a prohibition on further site-specific work on a second repository and calls for a report on the need for a second repository. I feel that this legislation lays out an effective course of action for this program. There is every indication that the Senate will conclude consideration on this matter in early November. It is my hope that this will provide the impetus for action in the House of Representatives.

However, notwithstanding this fact, until the law is changed I am obligated to comply with the currrent second repository mandate of the Nuclear Waste Policy Act of 1982. While I remain optimistic, the Congressional process has in fact not advanced to a stage that provides definitive legal direction on this matter, within the stated timeframe. Therefore, the Department will resume the second repository site-selection process from the point at which it was suspended in May 1986. In an effort to give Congress and the legislative process a chance to come to a final solution of this difficult problem with minimum interference from political forces, I specifically draw your attention to the fact that the only step contemplated is the resumption of the preparation of the Area Recommendation Report (ARR) which now involves the review and consideration of the 60,000 comments received on the draft ARR. This process will take approximately 12 to 18 months. Until the ARR has been completed, the Department need not and does not intend to conduct any activities on any of the sites described in the draft ARR.

I am hopeful that Congress will act soon to resolve this issue; and once Congressional action is completed, I intend to revise our activities to conform to the directives from Congress. Progress has already been made toward resolving this matter, and a concerted effort on behalf of all interested parties can conclusively end this issue. In the meantime, it is my obligation as Secretary of the Department of Energy to ensure that we obey existing law.

Yours truly,

JOHN S. HERRINGTON.

NUCLEAR REGULATORY COMMISSION,
*Washington DC, April 13, 1987.*

Hon. J. BENNETT JOHNSTON,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC*

DEAR MR. CHAIRMAN: I am responding to your March 10, 1987 letter seeking clarification of the Nuclear Regulatory Commission (NRC) staff comments on the Department of Energy's (DOE) final environmental assessments (FEA's) of the potential repository sites.

The NRC staff review of the FEA's and the responses to specific questions which are enclosed are limited to the specific responsibilities of NRC: public health and safety and the waste isolation considerations found in 10 CFR Part 60, NRC regulations for "Disposal of High-Level Radioactive Waste in Geologic Repositories" and the associated DOE Siting Guidelines. In deciding whether to proceed with site characterization, the DOE has considered other factors outside NRC's regulatory responsibility (e.g., cost, schedule, ranking of sites). The NRC staff has not reviewed or commented upon such areas.

In this context, the NRC staff review of the five FEA's did not identify concerns that would call into question the suitability of any of the five sites for site characterization. While numerous concerns have been identified by NRC staff relative to each site, these concerns are of the nature anticipated at any site for which the existing data base is limited. While these concerns should not disqualify the sites from further testing to determine their suitability for the repository, they are significant with respect to the licensability of each site. The purpose of site characterization is to develop data to evaluate the validity and significance of such concerns relative to site suitability. Hence, these concerns need to be addressed as the DOE draws up Site Characteriazation Plans (SCP's) for each site.

Consequently, there is no reason, based on the NRC staff review of the FEA's and of other materials developed by the DOE and other parties, to delay characterization of the three sites selected by the DOE. The NRC concerns can only be addressed through the site characterization process.

These general statements are intended to clarify the NRC position on the FEA's and the state of the DOE HLW program. In your letter you asked the Commission to respond to twelve questions regarding the nature of the NRC staff comments and how they should be viewed by the DOE and the Committee. The enclosure to this letter contains the NRC responses to those questions. I hope that our specific answers, taken in conjunction with the contents of this letter, will provide the clarification of the NRC's position that you seek.

Commissioner Asselstine does not agree with this response.

Sincerely,

LANDO W. ZECH, Jr.

Mr. DODD. Mr. President, I rise in strong support of an amendment included in the energy and water development appropriations bill for fiscal year 1988 which is of critical importance to Connecticut and to the integrity of the Federal energy regulatory process. This provision would prohibit the Federal Energy Regulatory Commission from approving the Iroquois Gas Transmission System's pipeline

application under FERC's Optional Expedited Certificate Procedure. The message to FERC in this amendment is clear: The "fast-track" process cannot provide the kind of rigorous and objective analysis which the citizens of Connecticut and Members of Congress demand for proposals of this magnitude.

Just over 1 year ago, I helped bring to Connecticut the Chairman of FERC to hear firsthand my State's views on the Iroquois proposal and the Commission's application procedures. Since that time, there has been little progress toward resolving the issues raised during the Chairman's visit. To their credit, the Connecticut utilities have opened a limited dialog with our citizens and State officials and have expressed a willingness to consider alternative pipeline routes. At the same time, both FERC and the Iroquois consortium have refused to abandon the optional expedited certificate procedure, a process which I have said repeatedly is unacceptable to the citizens of my State. We remain gridlocked in a myriad of procedural disputes and uncertainties and have not even begun to resolve the serious economic and environmental questions which surround this massive project.

Last July, for example, FERC failed to accept its own professional staff's recommendation to dismiss the Iroquois application under the expedited certification process. The FERC staff had concluded correctly that because the Commission has already required an environmental impact statement [EIS] for the Iroquois proposal, this project can no longer be considered for expedited approval. According to the National Environmental Policy Act, the Federal law which governs EIS procedures, the Commission must examine a wise range of environmentally acceptable alternatives to Iroquois, including no action. For this reason, the FERC staff reached the same conclusion that I did in my testimony before FERC in Torrington last October; NEPA requires a comprehensive assessment of our State's energy needs and a comparison of Iroquois with other pipeline applications, both of which the expedited procedure was designed to avoid. As I stated in my testimony last year, "the Commission cannot evaluate the relative merits of the [NEPA] no action alternative without conducting evidentiary hearings on the need issue."

The FERC staff's dismissal recommendation was based on another conclusion which many of us in Connecticut reached months ago. According to the Commission's own regulations, applicants which choose the "fast-track" route must first assume all the financial risk for the pipeline's construction before FERC can justify the energy need presumption which is the heart of the expedited process. Lo and behold, the FERC staff last July determined what many of us already knew: the Iroquois project is simply too costly, and the financial relationship between the consortium's partners too complex, to really be sure that Iroquois has assumed all the risk for this pipeline project.

Mr. President, the time has come for Congress to take a stand on this issue. FERC has had—and ignored—several opportunities to set the record straight: to dismiss the Iroquois application under the expedited procedure and establish a fair, equitable, and predictable review process for this case. Instead, trapped in a procedural maze of its own construction, the Commission has refused to wake up and smell the coffee which its own staff placed on the table. FERC's obvious confusion over the rules and requirements of its own procedure shows the Commission itself still has more questions than answers about this ill-defined and untested certification process.

Mr. President, the people of Connecticut are not blind to the future energy needs of our State. We recognize our oil dependence—much of it from foreign countries—and the potential need to diversify our energy supplies. But we also understand the importance of due process and the need to follow well-defined rules and regulations, especially where the environment is concerned. For this reason, we cannot accept any pipeline project that is approved through a FERC process which even its regulatory authors do not understand. I call upon FERC and Iroquois to heed the congressional intent explicit in the amendment before us today: to abandon the expedited certification procedure so we can move forward with the fair and equitable review necessary to answer the critical questions about this pipeline proposal.

Congress has established a body of energy and environmetal laws for a reason: to achieve that delicate balance between our legitimate energy needs and our responsibility to protect the environment for future generations. In Connecticut, this sense of balance has always been a special tradition—a common axiom passed down from generation to generation. All we ask from FERC and our energy suppliers is help in preserving that balance, help in continuing the tradition of wise stewardship of our rich natural resources. We demand nothing more but can accept nothing less.

Mr. HOLLINGS. Mr. President, I strongly support the appropriations provisions of H.R. 2700. Regrettably, however, this otherwise sound legislation is carrying a monkey on its back, a monkey that the Senate would be well advised to strip off. I am speaking of the text of S. 1668—requiring the construction of temporary nuclear waste storage facilities—which was unwisely incorporated into H.R. 2700.

Mr. President, politicians live by a tried-and-true maxim: Never put off 'til tomorrow a sensitive political decision you can put off 'til next year—or, better yet, 'til the next decade. The provisions of H.R. 2700 authorizing temporary nuclear storage facilities are a classic illustration of this old political rule—which would be just fine if the price tag were not $2 billion.

Permit me a few words of background. In the Appropriations Committee, earlier this year, I voted—with major reservations—to support Senator JOHNSTON's nuclear waste proposals. I supported the Senator's effort to move the process forward, and I hoped that the more ill-considered and wasteful elements of his legislation would be changed. I was wrong.

Bear in mind, when Congress passed the Nuclear Waste Policy Act in 1982, we expected it to set in motion a process that would be at once technically sound and politically fair. We expected that act to cut through years of distrust and failure, and pave the way for construction of one, and eventually two, national repositories for the permanent burial of high-level nuclear waste. The Nation badly needs such a permanent repository. The temporary storage of spent fuel at reactor sites is safe in the short run but hardly desirable in the long run.

Unfortunately, the high hopes created by the 1982 act have been dashed. Distrust of the Department of Energy's nuclear waste program is at an all-time high. With good reason, people have concluded that candidate repository sites have been selected or dropped for reasons having more to do with politics than geology. Just ask our colleagues from Washington State, Nevada, and Texas—the three candidates for the first repository. Their constituents have zero confidence in the Energy Department. Opposition has dug in its heels, and the entire high-level waste program is at a standstill.

It is imperative that we jump start the National Nuclear Waste Program. We need to get it moving again—especially the effort to build a permanent repository. And this is exactly why I oppose the provision in H.R. 2700 to build temporary storage facilities. Such facilities would be grotesquely expensive. They would increase the threat of a nuclear accident. And they would guarantee further delay and obstructionism in the effort to build permanent sites.

Mr. President, these proposed temporary repositories have a technical name; they are called "monitored retrievable storage" facilities. The acronym is MRS, but I hardly think Mom would approve.

In 1986, the Energy Department recommended building such an MRS facility in Tennessee, but the Volunteer State has been less than obliging. And for good reason. By any objective standard, the technical arguments for an MRS have never been compelling.

The Energy Department attempts to justify an MRS as a central packaging and transportation center. But the fact is that such a facility would increase transportation, not decrease it, since every spend fuel shipment would be transported twice—once to the MRS, and again from the MRS to the permanent repository. A major study by the University of Tennessee determined that an MRS option does not reduce transportation impacts and risks over a non-MRS option. Worst of all, the MRS option would cost approximately $2 billion more than the non-MRS alternative.

Proponents claim that we need an MRS as a backup facility to take the Nation's spent fuel in case the permanent repository program remains stalled. But surely this is the worst reason for building an MRS. It would remove all sense of pressure and urgency to move forward with a permanent facility.

Give the bureaucrats this cut-and-paste alternative and—I guarantee you—they will declare victory and withdraw from the fight. The State that hosts the MRS will be left holding the bag.

Mr. President, over the years, South Carolina has borne more than its share of the Nation's nuclear burden. We are savvy to the ways of the Energy Department. And we are under no delusions: We know that our State is on the Department's short list of likely MRS sites. I look at South Carolina and see beautiful tourist beaches, fertile farm land, and unspoiled pine forests. The Energy Department looks at South Carolina and has visions of glowing nuclear dumps and 16-wheelers hauling spent plutonium up and down I-95.

Mr. President, I certainly don't want to discourage the Senator from Louisiana from inviting an MRS into his State. The Energy Department is offering a $50 million bounty to any State willing to take the plunge. But a word of warning: We South Carolinians know that temporary storage can quickly become indefinite or semi-permanent storage. The temptation to focus on short-term half-measures is simply too great. Accordingly, instead of deceiving ourselves that interim facilities can help, we should keep our eye and efforts on the ultimate goal: the construction of a safe, permanent, underground repository.

There can be no question that the MRS option would sap what remains of the will to build that permanent site. By diverting scarce Federal money and political capital to MRS, we would deal a deathblow to the permanent repository.

In the Appropriations Committee, the Senator from Louisiana and I agreed on report language regarding possible additional MRS facilities beyond the first one. I had hoped that further discussion would lead to changes in the provisions regarding that first MRS facility. But we have been unable to work out any such changes.

In the meantime, the Environment Committee has reported nuclear waste provisions as part of its reconciliation package. The MRS language in the Environmental bill, while not perfect, is far superior to the proposal before us now. By saying that no MRS facility may actually receive waste until construction of a permanent repository is authorized, the Environment language at least provides assurances that an MRS will not become the Nation's de facto permanent waste site. Regrettably, the Energy Committee language before us does not even provide that assurance.

For these various reasons, Mr. President, I oppose the Energy Committee's MRS provisions now included in the Energy and Water Development Appropriations bill and will continue to work to change them.

Mr. JOHNSTON. Mr. President, I am going to make a unanimous-consent request at this point and let me explain what I propose to do, and I do not know whether it will be agreeable or not.

I propose to ask unanimous consent that the committee amendments not pertaining to nuclear waste be considered en bloc and that all points of order be not waived and that it be original text for the purpose of continued amendments which means that those who oppose the nuclear waste provisions would in no way be waiving any rights. We would simply get the rest of the bill out of the way to clear the way for nuclear waste.

Mr. REID. I object, Mr. President.

Mr. JOHNSTON. Mr. President, let me make that request. I ask unanimous consent that the committee amendments be considered and agreed to en bloc, except the committee amendment on page 40, lines 20 to 23, that is the nuclear waste policy amendment, provided no points of order shall be considered as having been waived by this agreement and that the bill as thus amended be considered as original text for purpose of further amendment.

The PRESIDING OFFICER (Mr. CONRAD). Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana has the floor.

FIRST COMMITTEE AMENDMENT

Mr. JOHNSTON. Mr. President, I call up the first amendment.

The PRESIDING OFFICER. The clerk will report the first committee amendment.

The legislative clerk read as follows:

On page 2, line 16 strike the numeral and insert in lieu thereof $141,450,000.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1123

Mr. ADAMS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mr. ADAMS], for himself and Mr. REID, proposes an amendment numbered 1123.

Mr. ADAMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment appears later in today's RECORD under Amendments Submitted.)

Mr. ADAMS. Mr. President, this amendment which I have offered on behalf of myself and Senator REID is an amendment to the first committee amendment. This amendment provides for the committee amendments with the exception of the nuclear waste amendment. We expect to discuss this at considerable length, and I want to state to my colleagues the purpose and the reason for not only offering this amendment but the argument and discussion that is occurring.

First with regard to the procedure that is moving forward, it is the intention of this Senator, and I believe other Senators may join in this, that we would go amendment by amendment through this bill on each committee amendment.

I do not wish to do this, Mr. President. It is neither my style nor do I have any desire to have the energy and water appropriation bill held up.

But our problem in this case is that we have a very significant piece of legislation on an appropriation bill. This has been referred to by my distinguished friend from Louisiana, Senator JOHNSTON. The problem that this Senator has with that bill and I think many other Senators will have is that we have before us an appropriation bill with a massive piece of very controversial legislation placed on it.

I want to indicate to all of the other Senators in the Chamber and to all of my colleagues who may be watching this that I had offered and that still stands so far as this Senator is concerned to the manager of the bill that if the nuclear waste provisions would be dropped from the appropriation bill, we would be most happy to enter into a time agreement to place this in

a legislative forum on the reconciliation bill, which will be coming up, we all hope, or as a freestanding bill, so that the appropriate committees of the Senate, being the Energy Committee, and I use the short-term acronym for it, which is chaired by my good friend from Louisiana, and the Environment and Public Works Committee, chaired by Senator BURDICK, which has a separate bill on this same subject, could fully enter into this debate on what is the proper movement forward under the Nuclear Waste Policy Act.

The same is true for an extended controversy that may or may not exist depending upon the authorizing committees with regard to the House of Representatives which has passed out of the Interior Committee a bill and the Interstate and Foreign Commerce Committee, now known as the Commerce Committee, and again I use the short-term acronym for it, has a series of amendments or potentially a second bill which they have passed out of subcommittee. So we have this matter moving in all of the authorizing committees.

The great problem and the reason that there will be objections from this Senator and others today to considering this here on an appropriation bill, is that we are, by this attempt to put legislation on an appropriation bill—and I will object to that as it occurs or attempt to occur; after this amendment in the first degree, this first amendment is agreed to, any time that it comes up I would object to it—is that we would have all of those committees frozen out of the process and we would have, in effect, a bypassing into the appropriation bill, or, if the appropriation bills are not adopted, into the continuing resolution.

Mr. JOHNSTON. Will the Senator yield at this point?

Mr. ADAMS. I would yield to the Senator for a question without losing my right to the floor.

Mr. JOHNSTON. Yes.

The Senator is aware that the Energy and Natural Resources Committee was referred this legislation, did hold extensive hearings, and did in fact take the whole committee, we took the whole committee to Europe, to Sweden and to France, to look at their facilities. The Senator is aware that in fact a full opportunity was given to people to testify, including the distinguished Senator from Washington, whose very eloquent testimony was helpful to the committee. He is aware of that, of course, and I so state it for the record.

Mr. ADAMS. I say to the Senator from Louisiana, I am very aware that hearings have been held in front of the Energy Committee. They have not been held before the Appropriations Committee. There have also been a set of hearings before the Environment and Public Works Committee.

So I would respond to the Senator by saying, yes, a committee has held hearings and passed out a bill. And, as I have indicated in conversations to the Senator, and to and through the staff contacts, there are a great many portions of the bill that this Senator might agree to. But we have been unable absolutely to obtain an agreement on two fundamental characteristics of it. And I understand why the Senator has the position that he does, and I respect the Senator for it. I know he is trying to move this forward and to take care of the nuclear waste problem.

But I will, during the course of the next several days or however long this debate may last, go through example after example of why we know the original selection process of getting to three was done not on a scientific basis by the Department of Energy. And certainly no State wants to have this done on the type of basis on which DOE made that original characterization.

For example, Hanford, scientifically—I just use it because it happens to be in my State—was five. It magically became three in terms of characterization. We, therefore, have asked repeatedly that there be another selection process. We have gone through a series of alternatives—concurrence with another group, be it the National Academy of Sciences, NRC, EPA, a group created, somebody other than DOE. And I will give you articles, I will give you statements by auditors who have examined this. That process was flawed.

The second part of it is that in proceeding by January 1989, there is not enough scientific basis that one could be selected. And I happen to agree with the Senator that this may be a very good way of approaching it to try to get to one site; certainly not to be out doing three times the work. But you have to characterize the site at least on the surface which has not been done and certainly have the hydrology studies done before this enormous shaft goes down which terrorizes all of us about what will happen out of that. And it happens to be sitting out there at Hanford and it is a humongous big drill. And it goes right down through the aquifer and through a cracked type of undersurface activity.

Mr. JOHNSTON. Will the Senator yield?

Mr. ADAMS. I would be happy to yield for another question. But I am trying to explain so that all our colleagues understand that this has not been some lightly taken or not in my back yard kind of approach. We have tried to get a scientific approach, somebody other than DOE, in it. Because I would say to the distinguished chairman of the Appropriations Subcommittee and the chairman of the Energy Committee that we have—and I will go into it in greater detail—the largest amount of defense waste of anyplace in the free world, maybe anyplace in the whole world. So we have got it in our back yard and we are trying to handle it and we are trying to do it in a scientific and appropriate way.

What we have in this bill has not gelled yet. I know the Senator went to Europe. In fact, we saw pictures of it.

Mr. JOHNSTON. I think I invited the Senator from Washington.

Mr. ADAMS. I would have loved to have gone with you. But in France, they use a type of monitored retrievable storage system for a long period of time, and it was not that it decided or gave benefit to how you could bury these. And later on, the Senator and I, I know, will discuss the casts that he mentioned. Those casts, I do know something about because they are in transport. And they just simply have turned out that, under 35 minutes, if you hit a propane truck, it stops. And at that point, we have got a real problem.

Now if the Senator had some question that he wanted to propound, without losing the floor, I would be happy to respond to his question.

Mr. JOHNSTON. Yes. The Senator says that we ought to do surface characterization. The Senator is aware that, first of all, characterization is a term of art used really to go down and drill the shaft.

Mr. ADAMS. Not necessarily; I said surface.

Mr. JOHNSTON. In any event, the experts at the National Academy of Sciences and the NRC, as well as the Department of Energy, have all testified that you cannot make these judgments without drilling the shaft and going down; that drilling the surface, these little bore holes down, simply will not give you the information on which to pick a site. The Senator is aware of that, is he not?

Mr. ADAMS. The Senator is aware of the fact that no surface work has been done in Texas, almost none in Nevada, and that there are some real problems in Nevada, which I will let the Senator from Nevada refer to when he has the opportunity to speak to it, regarding the surrounding military bases, the testing that is going on in that area. I will let him describe it. But that has not been characterized. We have not even had hydrology work done.

Mr. JOHNSTON. I understand that. But the point I am making is, not that they know everything, but witnesses have testified that you cannot learn it unless you characterize; that, in effect, you are just tap dancing if you say you are going to go in and drill a couple bore holes; you cannot prove tectonics,

you cannot prove the hydrology unless you go down with the shaft. What the witnesses told us is essentially they have gone about as far as they can go in a productive way without characterizing. That is why they say, you know, when the Senator from Nevada made a strong case about the various things that made Nevada unacceptable, they say, "Look, we cannot give you a judgment on those things until we characterize."

Mr. ADAMS. I would state to the Senator that the National Regulatory Commission does not agree with that. They have stated clearly that not enough work has been done on these sites to make the original decision of where to drill the hole. And once you start drilling that hole, you are in—and I am not talking about the small bore holes. We are talking about a shaft being driven of enormous size. And in the case of Hanford, this goes directly through the water table. I will let the Senator from Nevada describe what would happen if they move that drill there.

The Senator from Texas, Senator BENTSEN, I know, will want at some point to comment on what happens out in his area.

Now, the reason that becomes terribly important—and this is not an academic exercise—is, as the Senator in his opening remarks stated, that one of the great savings and one of the things that has completely changed in the new bill, and it may be a step forward—I think this is what should develop during the debate during the course of this year—is going from a 3-to-1 site. But if you go to those sites and they have not been characterized by surface and other work before the drill goes down and you go down with the drill, and you find you have not done enough work prior to that time, what occurs at that point is, as the Senator from Louisiana so correctly stated, you go immediately to the next site. So that you are beginning to build up your money.

Now, I just want to say to the Senator that we have a very different point of view on the capability of DOE to carry out this program. I have almost no confidence. My good friend and colleague in the House, AL SWIFT, characterized it very well to the Secretary of Energy when the two of us were meeting with him months and months ago. AL SWIFT said: "Mr. Secretary, you are recognizing the radicalization of a moderate," because we have had such bad results out of DOE, both drilling, testing, and operating these facilities. The fear is not irrational, that people have. The fear should not be expanded to something that is not real. But the fear is whether or not DOE can run this program and run it well. If the bill gives them instructions to properly characterize before they start drilling, and when they have not even done hydrology studies out there, where they do not even know, on Hanford, for example, where 55 of the existing sites are, where they resist continually our efforts to say how much is flowed through to the Columbia: What are we dealing with?

That does not give us confidence. And that is why we do not want this bill debated in the middle of an appropriation bill.

We want this bill debated, and I know the Senator will do it very well because he will chair that committee, too. He will appear either with the authorizing committees—and it will be Environment and Public Works, because we have here a very institutional problem. They do not want to accept and have placed in the reconciliation bill a very different version of this.

Mr. JOHNSTON. Will the Senator yield?

Mr. ADAMS. I will yield, without yielding the floor, for a question from the Senator from Louisiana.

Mr. JOHNSTON. I am wondering what is the difference between considering this bill now as it stands here? It has had full and complete hearings. Indeed, the distinguished Senator from Idaho, the ranking minority member of the Energy and Natural Resources Committee is a member of this committee. The issues are precisely the same. The legislation is precisely the same. The rights of the Senator to submit an amendment are precisely the same. Wherein lies the difference?

We already have a bill on the calendar; this precise bill, which has been reported to the floor. What would be the difference between the hearing of those two bills?

Mr. ADAMS. There is a very direct difference. You will notice on the floor you do not have the Environment and Public Works Committee of the Senate——

Mr. JOHNSTON. They do not even have jurisdiction on that bill.

Mr. ADAMS. They claim jurisdiction of the Nuclear Waste Program. That is one. Second——

Mr. JOHNSTON. But if you go——

Mr. ADAMS. If the Senator will let me answer I will answer and then I will be happy to hear his next question.

You will also go to conference with the Appropriations Committee conferees from the House side, which excludes the authorizing committees.

The Senator is doing something that I feel this institution has to correct, and I think the Senator and I are going to be on the same side of this in the next 2 to 4 years, of stopping going by the authorizing committees and having the Budget Committee go by both the Appropriations and Authorizing Committees. I think we have got to stop that because we are beginning to get huge bills and the wrong people into the conferences and the conferences come back and the conferees that are coming back are not connected with the people who have done detailed work on this.

I have great confidence in the appropriation conferees to handle money, to handle the authorizations that are given to them. But this is precisely what rule XVI attempts to prevent, which is to have legislative matters pulled out of authorizing committees, put into the appropriations committee, confer with the other appropriations committee, pass legislation on appropriations and the authorizing bills are then left and so are the authorizing committees.

I know that there will come a day, and that day I will be here if the Senator wants to call me—he may decide he would rather I do not appear—but if he calls me, there is going to be an attempt to bypass one of these authorizing committee jurisdictional hats. It would not happen in this case because the Senator wears two hats and he can go appropriations or authorizations. But if it is picked off by somebody else, the Senator is going to say: I do not want my committee's work, my committee's expertise to be shoved into appropriations. I am going to support you on that when it happens.

In this particular case I know the Senator does not have an objection because he controls both committees. But that is not always going to be it and that is not going to always be the rules and that is not going to be what every other authorizing chairman in this House and the Senate is going to think about what is being done in the appropriations bill.

Without losing the floor, I would be happy to respond to another question from the Senator.

Mr. JOHNSTON. First of all, the question of the right of another committee to offer an amendment—either on the bill which is pending on the calendar right now, this precise bill reported out of Energy and Natural Resources—the right of the Environment and Public Works Committee to offer an amendment to that is preserved both on this bill and on that bill.

If there is a jurisdictional fight—and I suspect there is—then we have a way of settling that. It is called the Parliamentarian; the Chair. Or the Senate votes. I mean that is the way we settle those things.

The jurisdiction of this bill at this time is proper. The jurisdiction of this bill in the Energy and Natural Resources Committee was proper. The right of any Senator to offer amendment is preserved.

One final thing I would say, rule XVI does not prevent this kind of legislation on this bill. To the contrary, it specifically authorizes it. It submits the question to the Senate. I know the Senator from Washington believes

that because he has an amendment in the nature of legislation which he plans to offer, I believe, along with the senior Senator from Washington, on this very piece of legislation.

It is proper. It is the time-tested way of doing things, and I think he is right on that bill and I think we are right on this bill as well, with respect to this amendment.

Mr. ADAMS. In answer to the question of the Senator from Louisiana, I have stayed away from this bill like poison with the amendments. I have given the amendments to the Senator from Louisiana at length. We got down, finally, to six amendments and I supported a great portion of the bill. But I am not going to be trying to put my amendments and legislation on an appropriations bill because it is not the way to legislate. When we do this it then goes to the Appropriations Committee. If another committee comes in and puts its legislation on this bill, you end up as the conferees and you control this with the appropriations conferees from the House and those authorizing committees have put their tender little piece of legislation into the hands of the enemy. And that is too bad.

I know that the Senator from Louisiana is a good man and is trying to get this done and is a very skilled legislator. But this is not the place to be arguing and putting in these amendments. This is why I have tried very hard to see that we get this out of this bill.

If it should come to a vote and the parliamentarian does not rule that this is legislation on an appropriations bill, and it is not in some way overturned, then this bill will go forward.

So all my colleagues have to do is simply vote to say that this is legislation on appropriations and I will tell you I have searched this bill to try to see if it is germane so that there would be a defense by the Senator. This is not germane.

All that has been done in this bill is to take the House bill, which is what we are arguing. You have got the first amendment up and I have offered an amendment to that first committee amendment; and say that we will accept the amendments but not the nuclear waste one, that it is out.

Now, the reason for that is, if you look through the germaneness part of this, all that has been done is to change the number and refer to a side issue of the Secretary of the Treasury.

There was no attempt to amend the Nuclear Waste Policy Act in the appropriation bill. So I think this debate should stay very clearly on point.

Those Members who want to offer amendments will have the opportunity to get nuclear waste over to where it should be, and we would work on the appropriations bill. I hope the Senate will support that position and vote it. We will have an appropriations bill done and over with the other appropriations bills. Then the Senator can decide whether he wants to put it on reconciliation or go freestanding. If he wants to go freestanding, we will do that.

Mr. REID. Will the Senator from Washington yield without losing his right to the floor?

Mr. ADAMS. I yield to the Senator from Nevada for a question without losing my right to the floor.

Mr. REID. I appreciate the Senator yielding.

I think an important point is to be made, and I ask the Senator from Washington if he will agree?

Mr. JOHNSTON. Mr. President, did the Senator yield for a question?

Mr. ADAMS. I yielded for a question without losing my right to the floor.

Mr. REID. Mr. President, I appreciate the Senator from Washington yielding. I have a question I will ask. Prior to asking the question, I would like to give this brief introductional background.

There has been some talk during the entire play between the Senator from Louisiana and the Senator from Washington as to what is the purpose of an appropriations bill and should what we are now doing wait and be part of reconciliation.

I think it is of interest to my colleagues to read a letter that was placed on our desks just a few minutes ago:

Shortly, the Senate will begin debate on H.R. 2700, the Energy and Water Appropriations bill for fiscal year 1988. During the debate, a great deal of attention will be focused on those provisions of the Committee-reported bill that fund the nuclear waste activities of the Department of Energy. We would like to take this opportunity to share with you some of our thoughts on this debate, in view of the important impact that the Senate's decision will have on this critically important program.

When Congress enacted the Nuclear Waste Policy Act of 1982, most observers believed that it had fashioned a well thought out, environmentally sound, program that would facilitate this Nation's effort to address its emerging nuclear waste problem. The 1982 statute, which reflected the work of three Senate Committees and five House Committees, called for the Secretary of Energy to select a number of potential sites, located in different geologic media, for development as a permanent underground, geologic, repository for the disposal of high-level radioactive waste.

After narrowing these potential sites to three preferred sites, the Secretary was directed to fully "characterize" those sites (that is, sink an exploratory shaft and conduct what is referred to as "at depth" testing) and then select one of the three sites for which a license application would be submitted to the Nuclear Regulatory Commission. At the time one site is selected, the existing law requires the Department of Energy to prepare an Environmental Impact Statement (EIS).

It was well understood at the time that the first repository site would most probably be located in the western part of the United States. And, in fact, the three candidate sites that are now the subject of the more extensive characterization efforts by the Department of Energy are located in the States of Texas, Nevada, and Washington.

As a complement to this so-called "first repository program", the Congress also directed the Secretary to examine potential candidate sites for development of a second repository. This second repository program was to go forward on a parallel track, roughly four years behind the first repository program—focusing on granite sites in the eastern part of the United States. This second repository program was generally understood to provide a vital regional balance to the nuclear waste disposal program.

Finally, the Congress directed the Secretary of Energy to conduct a detailed study of the need for, and feasibility of, an engineered above ground storage facility, called a monitored retrievable storage facility, or MRS. Again, the Congress required the Secretary to ask an authorization from the Congress for any MRS facility that was determined to be necessary.

As is often the case with a program as technically complicated as the nuclear waste program, and given the obvious political sensitivity of locating a nuclear waste facility in any one state, the task of carrying out this program has not been easy. Indeed, many of the assumptions regarding the need for, and cost of, two repositories have proved to be incorrect.

It is now generally well accepted that this program is in need of "mid-course" corrections. In fact, three of the original authorizing Committees in the Senate and House have reported legislation intended to provide such corrections.

One Committee, the Senate Committee on Energy and Natural Resources, has reported legislation, S. 1668, that would, in essence:

(1) require the Secretary to select one of the three current first-round sites, by January 1, 1989, for full characterization. Work on the other two sites would be halted, unless the first site chosen by the Secretary proves unacceptable. This approach is often referred to as "sequential characterization". Significantly, the Energy Committee bill specifically exempts any decision by the Secretary to select the preferred site now for full characterization from the requirements of the National Environmental Policy Act (NEPA);

(2) cancel all site-specific work on second round repository sites and require the Secretary of Energy, by the year 2010, to report to the Congress on the need for a second repository;

(3) authorize the secretary to construct an above ground MRS; and

(4) authorize the payment of "incentives" to those states that "host" either the MRS or the repository.

A second Committee, the House Interior and Insular Affairs Committee, has reported legislation that would impose a moratorium on the nuclear waste program and appoint a Commission to review what has gone wrong in the implementation of the program to date.

We believe that a middle ground exists between these two approaches. In fact, the Environment and Public Works Committee has recommended such an approach, in partial response to our Committee's Budget Reconciliation instructions. Under the legis-

lation approved by the Environment and Public Works Committee, the process of sequential characterization would be followed; however, the Secretary of Energy would be required to complete a certain level of "surface-based testing" at all three of the current candidate sites before selecting one for full characterization.

We believe that such additional testing is crucial before the Department of Energy commits the enormous resources, roughly between $1.5 and $2.0 billion in a program to be conducted over five to seven years, required for full characterization of any one site. We also believe that a true comparison of all three sites, based upon roughly comparable data that can be gathered from a sound surface-based testing program, is the only means of determining which of the three existing sites is the most preferred site for development as a repository.

Our legislation also would impose licensing conditions on any MRS facility that is authorized by the Congress, to ensure that this facility does not become the *de facto* repository. Similar licensing conditions were recommended by local government groups that have favorably studied the MRS proposal in the past, and were suggested by the Department of Energy, itself, when it submitted its report to the Congress recommending construction of an MRS.

The Environment and Public Works Committee has been deeply involved in this Nation's nuclear waste program.

As a member of that committee, in preparation for the question I am going to ask my friend from Washington, I have been involved in days of hearings before the Environment and Public Works Committee on this subject.

Our Committee had joint jurisdiction over the legislation that became the 1982 law, and has conducted a vigorous oversight role in the intervening years, including four separate hearings on various aspects of the program this year alone.

Because of the importance of this program to the future health and safety of all our citizens, and given the complicated nature of this debate, we do not believe that the Senate is well served by tackling this major issue outside of the normal authorizing process, where all of the Committees with expertise who played a central role in fashioning this delicate legislation have an opportunity to address these important issues.

We urge you to give these views careful consideration as this issue comes before the Senate for debate.

This letter is signed by Senator ROBERT T. STAFFORD, Senator ALAN K. SIMPSON, Senator QUENTIN N. BURDICK, and Senator JOHN B. BREAUX.

Does the Senator from Washington agree that this should be the method that should be taken on such a vitally important piece of legislation that affects not only the States of Washington, Nevada, and Texas, but the entire Nation? We have had several hours of discussion on the transportation aspects, but does the Senator believe that this should be settled in some other vehicle than the one before us, namely, the appropriations bill?

Mr. ADAMS. I agree completely with the Senator from Nevada. I think he has made an excellent statement and has placed before the Senate in excellent detail the fact that another committee has a deep interest in this and that this is a national problem. It is not a problem of one State or another. How we handle the entire nuclear industry will be determined by the bill that is finally passed through the House, the Senate, and signed by the President. We are going to transport things around the country. We are going to put them in casks—according to the plan that has been suggested, I am not quite certain whether we are going to have an MRS or when we are going to have it—and these casks will be put there, indicating a real change in the way that America deals with the whole nuclear question. That is why it is terribly important, because nearly every Senator has an interest of this moving through their State, reactors being in their State. And finally, if the eventual repository is selected, will that selection work. If it does not work, then it means going to another. And it means backing up a whole system.

So we want to be right about this and we should not be doing it in this fashion.

Mr. President, I have a substantial interest in and a number of objections to this legislation because of the changes it makes in the Nuclear Policy Act of 1982. Over the next few hours and perhaps the next few days, weeks, and months, I am going to be discussing these objections in some detail. Now, it is not my desire, nor is it my normal style, to attempt to obstruct the legislative process, but in this case I intend to do everything I can to delay passage of this appropriation bill so long as the legislation dealing with the Nuclear Waste Policy Act is attached to it. I apologize in advance for any problems that I may create for my colleagues, but this issue is critical to my State. Throughout Washington, people will have been living with the knowledge that our State may be selected as the location for the first high-level waste repository. Mr. President, it may surprise people, but the people in my State can live with that. What they cannot and should not live with is that the process by which the final site will be selected has placed greater emphasis on politics than science. What they cannot and should not live with is the fact that the process has been unresponsive to their concerns and questions. What they cannot and should not live with is the fact that this process has been mismanaged, characterized by distortion and deceit, and consistently failing to meet the standards of behavior that all citizens of the United States have a right to expect from a Federal program.

The people of my State have strong feelings about this subject, and so do I. But I want to indicate to my colleagues that I have made what I believe to have been good faith efforts to negotiate my differences with those who support alternative approaches. Unfortuantely, we have not been able to resolve those differences and reach an acceptable middle ground. I have indicated my willingness to accept a great deal of the legislative approach advocated in the Energy Committee bill. But there are some provisions of that bill which I simply cannot accept. I have offered a number of proposals designed to modify the objectionable elements of the bill. The committee could not accept them. As a result, we are at an impasse.

Accordingly, I want to make my plans and my motives clear to my colleagues. Along with others, I am reserving all of my rights to fully debate this issue. As we consider this bill, I intend to raise a number of substantive and procedural concerns. And I suspect that may take some time. In short, I want to make it clear that I am reserving all of my rights as we deal with this legislation and with any conference report which we might get on this bill.

Having indicated that I will oppose this bill in every way I can, let me also indicate what I do not oppose and would be eager to accept is a debate on the nuclear waste issue this year. My objection then is not to a debate on the issue. Rather, I object in the strongest possible terms to debating that issue on this vehicle. I have, in fact, indicated to the Senator from Louisiana on more than one occasion my willingness to work out a way to debate this issue either on reconciliation or as a freestanding bill if he could simply drop the nuclear waste provisions from this bill.

For reasons which I assume he will make clear, Senator JOHNSTON was unwilling to agree to that proposal, so we are faced with the need to debate this substantive legislative proposal in the context of an appropriation bill. And I find that most depressing. Let me, however, shake that depression and indicate that I have the greatest respect for the distinguished Senator from Louisiana, who serves both as the chairman of the Energy Committee and chairman of the Appropriations Subcommittee on Energy and Water Development. We disagree on this issue, but that does not diminish the personal affection I feel for him or professional admiration I have for his skill as a legislator.

By the same token, even though the majority leader was compelled to bring this bill up despite my objections to it, I must report that the majority leader has been more than fair in protecting my concerns and protecting my rights in every way. I fully understand his need to try to move the appropriation bills, and I hope that he understands

why I am unable to assist him in that effort.

In terms of procedural concerns first, let me again indicate that I do not object to debating this issue and trying to resolve the questions associated with the future of the Federal Government's high-level nuclear waste program. Let me make it clear that my State has a vital interest in seeing this issue resolved, not only because we are a candidate for a repository but also because we currently store millions of gallons of nuclear waste, much of it in leaking, single-celled tanks at the Hanford reservation. Because of the waste we have already stored, we are more than willing to get this issue behind us.

We want to do so in a way which will not come back and haunt us as we are presently being haunted by the former Defense Waste Program, such as it was. And I ask every Senator to consider what has happened in the past and what will happen in the future and what is happening today—these millions and millions of gallons of highly radioactive waste that we have in our State today, and this was done by the same agency, in the same way that we are about to hand over this nuclear waste program. You wonder that we have concerns and difficulties.

We have lived with this since World War II. We have 40 years of holding the Nation's highly radioactive waste—more than any other State. We have done our share. We probably will have to do some more with regard to what is already there. We have not been before this Senate saying, "Take it out of our back yard; we want you to take this highly radioactive nuclear defense waste and do something with it." We have suffered with it. We will continue to suffer. But we want the new program to be a good one. And when you talk about putting a new high-level waste program on a site where you already have a situation that I have mentioned of millions of gallons of waste, and in addition, so you begin to understand our concerns, it is reported—and I believe those reports—there are 55 sites where they do not even know where they are that have waste in them, they poured waste on the ground. We have a fractured type of rock in that area. They had not even determined that the iodine residues had flowed through this because they had not drilled the wells to determine the flow. The Department of Energy told us it would take years and years for this to flow out. From the first experiments they have made, they reported to us it will flow out far more.

Yet we are talking about this being a site that they might drill a huge hole in. Just drilling a hole could create an enormous disaster.

We are going into that aquifer, and suppose the water comes up, which it very well may, onto a surface and into an area that is already littered with the waste.

I want to express my appreciation to Senators in this body this year who have added a small amount of money in terms of the total $16 billion problem mentioned by Senator HATFIELD to try to do someting about it. It is so bad, Mr. President, that the Department of Energy does not even know how to get those single-shield tanks out of the ground. They do not know whether to bury them, fill them with grout, dig them up, or what to do with them. Yet we are are talking about a big new project that they are going to run putting it in on top.

Do you wonder why I ask for somebody else to come in and help with doing this?

Currently there are three major competing proposals designed to address the nuclear waste issue pending before the Congress. I have given some of the facts of my site—other Senators will have their sites in their States—to indicate that the job has not been done. It is why I responded to the distinguished Senator from Louisiana of why there has to be some characterization without drilling this big hole.

We do not even know where the water is flowing. We had the National Geodetic Service come out and look at it. They do not know where all of these are running through the various cracks. No one knew during the 40 years. No one knows what will happen if you drill. But we do have statements from mining engineers that this is the type of rock that creates dust and is very explosive. So we have a big hole. Water may come up, and in the course the people down drilling are faced with explosive rock.

I am not saying that our site has been selected, though I will say this: The site was so bad that we were ranked five on the list even by DOE, and magically last year we moved from five to three.

I am not going to make accusations against people because I do not think that is helpful, but I think it indicates a reason for concern among the citizens of the State of Washington, that if in this nuclear lottery you can go from five to three there is always a three-number combination, and how is it that we have any confidence, particularly with the people who have just done this to us, that we are not going from five to three to one, or that if they get down in Nevada and all of a sudden somebody comes in, which I never heard discussed here, and say, "Wait a minute. We have an Air Force base down there near us that has a lot of things involved and we are not sure we want all of these trucks and casings and other things down there."

I will leave it to other people who might want to discuss what is on that base and what they are doing.

It also applies where we conduct nuclear testing. I am not going to try to say that I know anything about nuclear testing. But I know quite a little bit about it. I was involved in World War II as being one of those who almost went to Bikini, was set up as some of the radar people, and I had a lot of people whisper to me, "It might be fun to go over there. You will be kicked up from electronics mate from second to first class but I do not know this is something you want to do."

On that point we all know nuclear power did not have any danger whatsoever. So I did not go. I did go back to the university and monitored a few courses because I was shifting from engineering over into economics and I wanted to pick up what they had done and what was being done in the nuclear industry.

So, yes, I had done some of that. I have seen this reactor. I tried lawsuits on filters when they were building.

So I have a lot of concerns and these are not frivolous. They are not something I hope people will characterize as irrational. I will be happy to debate during the course of the next several weeks this discussion of whether or not these are concerns that should be addressed.

I mention that because of the three major competing proposals. The Senate Energy Committee has one plan which is reported as a freestanding bill as part of their legislative response to their reconciliation instructions, and also they put it on this bill, the energy and water appropriations. The Senate Environment and Public Works Committee as indicated by the distinguished Senator from Nevada has another alternative. That letter has been put in the RECORD. This alternative out of the Environment and Public Works Committee has been adopted as part of their reconciliation package.

I might say that in the appropriation struggle where the money goes in reconciliation is still a matter of dispute in the appropriations process.

I am going to let those two committees argue that out but I do not think the Energy Committee should have the advantage of their bill going in and the Environment and Public Works Committee not ever having a chance to do. No. They do not want to come in and amend the appropriations bill because the distinguished Senator from Louisiana who is such an excellent legislator and very skillful in this area controls the forum. I think they feel they have enough problem in any other kind of forum, but this forum is not a very attractive one for them just like it is not a very attractive one for me because there is the appropriation area.

Over in the House, the Interior Committee has approved yet another

plan, and their plan has been passed out and I know that the distinguished Members of the Senate who have worked on this for many years know that Representative UDALL has spent as many years as they have. Representative UDALL passed a bill out of his committee.

This bill and a consideration of it has been conducted by the Commerce Committee on the House side, and they have put in their considerations. And I might say that the distinguished Senator from Louisiana mentioned they have held hearings, and so on. This committee has been holding round-the-clock hearings on problems of this program for many, many months—in fact years. Those people want to be involved in the conference and be involved in crafting this legislation.

All of this activity suggests that there is a general agreement, and on this I am in agreement with the distinguished Senator from Louisiana, that there are problems in the waste program, and we have to address them. DOE has failed in the program. We have to pass something to put them back on track.

But there is no shortage of ideas on how to correct it. It is precisely because of these concerns and those that surround it that we should not be deciding this issue on an appropriation bill. There are a number of problems with allowing this debate to take place. I mentioned some of them to the Senator from Louisiana earlier. We should not allow it to take place on an appropriation vehicle. Let me discuss precisely why. Then I will turn to the consideration of the substantive objections that I have to the specific proposal made in this legislation.

On procedural grounds my first concern is a pragmatic one. By moving to consider legislation which revises the Nuclear Waste Policy Act on an appropriation bill we bypass the various authorizing committees which have a legitimate and a historic interest in this issue. Here in the Senate the Environment and Public Works Committee has a jurisdictional interest in the Nuclear Waste Policy Act. On the House side, the Energy and Commerce Committee as well as the Interior Committee helped shape the 1982 act. Yet, if we modify the act in an appropriation bill, those committees would in effect be cut out of the action. They would not have a formal role to play in shaping the legislation or participating in the conference deliberations. Dealing with this issue on an appropriation bill has the effect of bypassing the relevant authorizing committee.

That is undesirable in terms of public policy, also in terms of congressional procedure and in terms of general sensitivity to the internal politics of the legislative branch. No matter what one thinks of the policy being proposed here, it is hard to believe that we want to modify the Nuclear Waste Policy Act in a manner that excludes the Senate Environmental and Public Works Committee, the House Energy and Commerce Committee, or the House Interior Committee. On institutional grounds, that ought to be unacceptable to us; and on personal grounds, I find it hard to believe that we really want to create a process which has the effect of excluding or minimizing the role that could and should be played by colleagues like Mo UDALL, JOHN DINGELL, and PHIL SHARP, who are generally recognized as individuals who had a major role in shaping the original Nuclear Waste Policy Act.

I believe it was this desire to accommodate personal and institutional concerns which led the House Appropriations Committee to call for greater involvement by the appropriate authorizing committees in the process of reviewing the Nuclear Waste Policy Act. The House Appropriations Committee report which accompanied their energy and water appropriation bill contained the following statement:

> The committee urges the appropriate legislative committees of the House and Senate to consult in an attempt to reestablish concensus on repository and MRS siting and development.

That goal will clearly not be advanced if the Senate acts in ways which make consultation less likely.

Indeed, as many of my colleagues know, Mr. DINGELL, Mr. SHARP, and Mr. UDALL have written to the chairman of the House Appropriations Committee and requested that, given their jurisdictional and personal concerns, the chairman make every effort to keep substantive reform of the Nuclear Waste Policy Act off an appropriation bill. Let me read their letter to my colleagues:

HOUSE OF REPRESENTATIVES,
*Washington, DC, September 29, 1987.*

Hon. JAMIE L. WHITTEN,
*Chairman, Committee on Appropriations, House of Representatives, Washington DC.*

DEAR MR. CHAIRMAN: The Senate Committee on Appropriations has approved the inclusion of high-level nuclear waste legislation in the Energy and Water Development Appropriation for Fiscal Year 1988. This legislation is identical to legislation recently reported by the Senate Committee on Energy and Natural Resources. We are writing to strongly urge that you oppose their efforts to do substantive, permanent, authorizing legislation on an Appropriations bill when such a bill is passed by the Senate either separately or as part of any continuing resolution.

This legislation is controversial. A variety of measures are under active consideration by both the Committee on Energy and Commerce and the Committee on the Interior and Insular Affairs.

The House Appropriations Committee Report on the Energy and Water Development Appropriation Bill, 1988, urged "the appropriate legislative committees of the House and Senate to consult in an attempt to reestablish consensus on repository and MRS siting and development." We are working toward that end. Legislation through the appropriations process is not consistent with this request.

This letter should not be read as necessarily indicating opposition or support for the substantive approach approved by the Senate Committee. Rather, a complex and controversial issue such as high level nuclear waste should be considered through the normal legislative process.

Sincerely,

JOHN D. DINGELL,
*Chairman, Committee on Energy and Commerce.*
MORRIS K. UDALL,
*Chairman, Committee on Interior and Insular Affairs, Subcommittee on Energy and the Environment.*
PHILIP R. SHARP,
*Chairman, Subcommittee on Energy and Power.*

I am afraid, given that legitimate concern in the other body, we will go through an exercise over here which will not contribute to substantive policy solutions to the problems which exist in the nuclear waste program.

Far from resolving the controversy surrounding the nuclear waste issue, moving ahead with reforms of the Nuclear Waste Policy Act on an appropriation bill will simply increase controversy, delay a decision, produce an extended debate, divert our attention to procedural issues, and create hard feelings.

In addition, while I have the greatest respect for Senator JOHNSTON and his knowledge of and interest in the nuclear waste issue, his views do not appear to be shared by the authorizing committees in the House or by the Environment and Public Works Committee here in the Senate. If we are to do more than pass a bill, if we are to create the sort of consensus which is needed to make this program work, we cannot be satisfied with playing legislative trick or treat. We have to face this issue head on. We have to bring the most knowledgable people in the Congress together and ask them to work through the issue together. Dealing with this issue on an appropriation bill short circuits the process we need. And, as a result, we will not get the best policy—or develop a consensus for any policy—if we seek to cut key players out of the process.

My point, then, Mr. President, is simply this: While I would have problems with this legislation no matter what the vehicle, this particular vehicle creates some unique problems. While I reserve my rights to debate this issue if it comes before us in other situations, I strongly suspect that my objections, at least on a procedural level, would be muted if the bill came before us on a vehicle which would allow all interested parties to participate and would place competing proposals on some sort of even ground throughout the legislative process.

I have another concern, Mr. President, which I also want to discuss. As I have indicated, a number of points of order can be raised against this attempt by a nonauthorizing committee to legislate on an appropriations bill. As the legislative game unfolds, I assume that an effort to circumvent those points of order will be made: The Senate may be asked to invoke cloture on an amendment or on the bill; the Senate may also be asked, at some point, to support an appeal of the ruling of the Chair. In these cases, the Senate will be asked, in essence, to violate the spirit of our own rules and adopt a strained interpretation of the rules which govern our behavior.

I know that in situations like these there is a tendency to view the rules primarily as a technical obstacle and translate a procedural vote into the underlying substantive issue.

I would urge my colleagues not to do that in this case.

The real issue here is whether or not we want to sanction attempts to bypass the authorizing committees in the Senate and the House. That is the issue and, if we seek to avoid the issue on this bill, we make it harder to take a stand on the next one.

Mr. President, there will be a next one and a next one after that.

To establish a bad precedent on this bill does not bode good for us for the future.

Mr. President, I know that often our rules are honored more on the breach than in the practice. But our rules were established to govern behavior in the U.S. Senate. They are rules which we wrote and they are rules which we have the power to modify.

If we do not begin to stand up for and protect our rules, then the criticism of the Senate as an institutional anarchy would be well founded no matter how much the criticism may be not deserved.

All I am asking is that my colleagues consider the real issue here and think about how we want to treat the authorizing committees and the individuals who spent so much time on this issue.

I believe that they deserve better and I believe we can treat them better by considering this issue on a more appropriate vehicle. So I ask my colleagues to consider the procedural issues that may be raised in that context.

Before turning to specific details to my objections to the substance of the energy appropriation bill, I want to make one more point.

I know that many of my colleagues have an interest in other elements of this legislation. So do I.

With the exception of the nuclear waste provisions, the energy and water appropriation bill is an excellent piece of legislation which provides funds for a number of significant and deserving programs and projects. Several items of special concern to my own State are funded in this bill, and I am as anxious as any other Member to see that those projects and programs are funded.

I would simply repeat to my colleagues that I have told the chairman a number of times I would have no objection to moving this bill if the nuclear waste legislation was stripped out of it. I would not even put up a big fuss if the nuclear waste legislation could be modified in a number of ways to make it less objectionable to me and others, but again I have not been able to accomplish those goals through negotiations, at least to this point in time.

Let me tell my colleagues just how much of the chairman's bill I have been willing to accept and how narrow from this Senator's point of view the difference between our positions are. I have, I believe, indicated a willingness to accept roughly 95 percent of the bill reported by the Energy Committee, despite the fact that some of his changes increase the risk to my State and clearly modify the protections we thought we would have under the 1982 Nuclear Waste Policy Act. I have indicated that I can accept a number of the chairman's proposals. I can accept the concept of sequential characterization both for the saving of money and otherwise.

As to this characterization instead of requiring all three of the remaining sites that were characterized, I will accept having one characterized removing the others from consideration if the first site is found to be suitable for a repository. That means I am willing to accept a significant modification in the Nuclear Waste Policy Act which currently requires a full compartative evaluation of the merits of all three candidate sites relative to the other available sites based on billions of dollars of research currently required by law. That would be a major concession.

I have always indicated that I can accept the committee decision to set aside the requirement now for a second repository. As all of my colleagues know, the original act requires two repositories, one in the West and the other in the East.

I would state to those who are westerners this was done before I arrived in the Senate. And I would hope that some of them would indicate whether they still have the feelings that were so strongly voiced then, that all the waste should not be produced in the East and shipped to the West. Now, that is in this bill.

But I have said that I would try to accept what was proposed that the second sites be put off for a period of time and this is despite very strong feeling in my region that we should not be the final resting place for waste generated primarily in the East.

I am willing to accept the committee's view in the Senate that this issue should be revisited at some future point in time by the Department of Energy. That is also a major concession.

There are other concessions which I have told the chairman I am prepared to make as well, but there are some points I cannot yield on. When it comes to requiring more information before a decision to characterize is made, I cannot yield.

We have to have more information before the Department of Energy characterizes and this comes from experience. They characterize these first three on a political basis and our people objected and this fight erupted because people were going along with the scientific consideration and scientific decision. They did not get one and the fight erupted. I cannot back off from making a concession on that.

Mr. HECHT. Mr. President, will the Senator yield?

Mr. ADAMS. We have had a significant requirement. One other point. Then I will be happy to yield for a question.

Mr. HECHT. Yes.

Mr. ADAMS. In a moment, I will yield for a question without yielding the floor.

Mr. HECHT. I thank the Senator.

Mr. ADAMS. When it comes to having independent check on DOE decisionmaking, given the record of DOE management I cannot yield on that point. That simply is impossible.

I have asked and suggested a significant number of alternatives for someone else to decide this. We do not have faith in them. You can make it two groups, you can make it a review by another group that is binding. But we cannot accept this decisionmaking of characterization alone.

Now, without yielding the floor I would be happy to yield to the Senator from Nevada without losing my right to the floor. I yield for a question.

Mr. HECHT. I thank the distinguished Senator from Washington.

I think we have to address one fundamental question. Is deep geologic disposal of nuclear waste the correct way to go to put high-level nuclear waste, uncooled, perhaps for only 5 or 7 or 10 years, into the ground? Is this a correct manner in which we should handle our nuclear waste?

Now the Senator from Washington is well aware we are the only country on the Earth right now that wants to take our high-level nuclear waste, put it down into the ground, for 10,000 years or whatever it might be. Is this the correct manner in which we should proceed? I for one feel it is absolutely not the way to do.

I have seen as many others have seen, and our distinguished chairman

and vice chairman, on our trip to France where they are recycling. They reprocess it, and they take the nuclear waste, put it into the nuclear powerplant and burn it up, and that way get rid of practically all of the waste. This is proven around the world.

So my question to the distinguished Senator from Washington is: Are we proceeding in the correct manner?

I, for one, am absolutely opposed to a deep level nuclear repository, whether it is in my State, the Senator's State, or any State. I think the way to handle nuclear waste is the way other countries handle nuclear waste, reprocess it, recycle it, and use it for energy. This is a proven method.

Why experiment and put it into the ground for 10,000 years?

Also, many, practically every distinguished nuclear scientist that I have had the occasion to meet with says 10,000 years is not enough time for all nuclei to dissipate itself. Why not use this nuclear waste for energy?

I ask the distinguished Senator from Washington this question.

Mr. ADAMS. I share the reservations of the Senator from Nevada concerning geological disposal. But I would point out to my colleague that 60 million gallons of high-level waste in Hanford is from reprocessing. It is a temporary storage and that has been a very bad solution.

There is a second problem and I share the concerns. I wish they had not passed by on-site storage. I think it deals in a considerable degree with the transportation problem and it would deal with the MRS problem and it could potentially deal with the geologic depository.

But we have had all the scientific work done to indicate a number of options, and I know the Senator will want on his time to present his viewpoint of how it can be done, but it is this Senator's understanding that everything from sending this into the Sun, to deep sea storage, to other types of alternatives, have been explored and the geologic depository system has been selected at this point as being the best scientific way to do it.

I am not saying that that is correct, but that is where the country is.

There is one final point that I want to be sure that the Senator understands. Not only does the high-level waste have to be reprocessed—because that is basically what we do at Hanford. You continue to process uranium through a series of cycles until you have formed plutonium—I will not go into all the variations of it—but varying degrees of plutonium and then recycled again which produces bomb material. The reason the United States stopped—and this was a decision back in the seventies—reprocessing and, to a degree, the breeder reactor program except to a very limited basis, was that you create a very high-level security problem because this then becomes bomb material and if stolen or otherwise removed out of the plants can be used by countries that do not have the bomb to produce a weapon. That is why it is a major shift to shift over to reprocessing.

Now the French happen to do this. They use their reprocessed material for the manufacture of the independent French nuclear program. They have at times, however, as you will remember from the Rocky Flats back many years ago, sold some of this on the open market and it is a great nonproliferation problem. So the French example, which was mentioned by the chairman of where they went on the trip, is really not a very good example for the United States or for those who are trying to prevent production of weapons by and through very volatile portions of the world.

If the Senator wants to ask another question.

Mr. HECHT. May I ask a question?

Mr. ADAMS. I yield to the Senator, without losing my right to the floor, for a question.

Mr. HECHT. Well, certainly, we could reprocess, the scientists tell us, in such a manner that it could not be used for high-grade nuclear weapons.

Mr. ADAMS. I would answer the Senator that I know—and the Senator can discuss this later on his own time—of no system that is involved at the present time in utilizing enriched uranium, whether it is in a high-pressure reactor or otherwise, where you cycle the rods back through to reprocess and add new fuel, that does not produce either enriched uranium or a form of plutonium capable of being used in weapons.

Mr. HECHT. But I have been told that there is scientific data that this is attainable. And certainly if it could be attained—let us just take one moment and look at the tremendous cost of a high-level repository. It could be $8 billion to $10 billion, minimum. You are going to have to transport this high-level nuclear waste 2,000 to 3,000 miles across America. Every little sheriff in every little county is going to say, "What happens if an accident happens in my particular county? I don't have the proper equipment. I have to have trained personnel."

This is what you are going to be faced with. Look at the tremendous, tremendous cost in addition to what we are thinking about today.

I remember a couple of years ago, I think, the WIIP project in New Mexico. The distinguished Senator, Senator DOMENICI, introduced legislation to upgrade the roads to this WIIP project. I do not remember the total amount of money, but it was a very, very large amount of money. This was just a short, little stretch in New Mexico.

But let us look at all the nuclear powerplants in the east coast, transporting these nuclear wastes across America and the cost involved in this. Can we afford such a system? And, again, I say, is it practical? I do not know. It is experimental.

I do know what the scientists have told me. Ten thousand years will not take care of the dissipation of the nuclei. You might need a million years, you might need 2½ million years. I do not know what that time is.

But I do know if you take this nuclear waste, reprocess it, recycle it, and use it as energy, you do not have to worry 2 million years from today. And I think this is a question that we should address before we go to the deep level repository. First, is safety, transportation across America. Is this safe? I do not think it is.

Second, why bury high-level nuclear waste when you can reprocess it and use it as a fuel? Again, the French, they have an energy policy. They will soon be 75 percent nuclear, 25 percent hydroelectric. They do not have to worry.

In America, we do not have an energy policy. So the basic assumption here is we have to determine how we are going to handle nuclear waste in order to have nuclear power in America. And that is the crux of this argument.

I say, why experiment? Let us use the proven method that the French are using today and other countries are looking to. I ask the distinguished Senator from Washington if he agrees with that.

Mr. ADAMS. I am sorry. Would the Senator repeat the end of his question?

Mr. HECHT. I wanted to bring up about the tremendous cost of transportation around America.

Mr. ADAMS. I can state, in response to the Senator's question, that the cost of transporting this will be enormous. There will be required over 100 trains if they begin to move it by train. And it will require approximately 70,000 truckloads, which translates down to—and this is over a 20-year period that it is there. And these are just bare bones, they do not go to all the expenses of alerting the towns of trying to be certain that there is a safety factor prepared for all of them or the cost of various towns along these routes for putting in special equipment. There is no question that this program will cost billions of dollars.

That is why I have indicated in my statement that I do not think we ought to be debating this on an appropriations bill. We should carefully work out the best possible system with all of the committees involved and with all of the experts.

I know the Senator from Nevada will take some time himself during the course of this day and describe the scientific basis of his alternative.

I have indicated that the deep repository system should move that far. If I am pushed far enough in this debate and the other debates that may come, yes, I may become more radicalized about this than I am now and go to not having the existing system at all. I have tried, with the chairman and with the other Members, to fit into their bill a minimal system so that the Senator's State, my State, all of the States in the Nation who are transporting this, loading and unloading it out of reactors—that is going to happen first—storing it in MRS, all understand that this is a national problem. I think it is too bad that we have not done this at length before. But I expect in the next weeks and months to do this at length, sensitize all the Members to the fact that nearly every State in this Union either has a reactor with a lot of rods that are going to have to be loaded, a highway that these are going to go down, a railroad track that is going through their State or, if there is going to be an MRS facility, which the chairman indicated there would be, it is going to be loaded and unloaded twice. That is a billions and billions dollar project.

I have tried to indicate to the Senator and to others why we should be certain that we debate this fully before the authorizing committees. I am certain the Senator from Nevada, who is involved in that process, has offered and will later this afternoon offer in great detail the system that he feels is correct.

Mr. HECHT. One further question. You mentioned——

Mr. ADAMS. Without yielding the floor, I will yield for a question.

Mr. HECHT. Without yielding the floor, how many trainloads again was it that you just mentioned? And how many truckloads? I missed those two points you brought out.

Mr. ADAMS. I know in the truckload system, it will be over 70,000. I will check the number of hundreds of trainloads. It depends upon whether or not you do what the Department of Energy is doing now. They have had dedicated trains to move the Three Mile Island waste into Idaho.

Now, they have now asked permission that they not have to put it on dedicated trains, but can add cars to existing trains, which I think is a very bad idea. But that——

Mr. HECHT. Will the Senator yield for a question on this without yielding the floor?

Mr. ADAMS [continuing]. Will vary the number of trains. You can be assured that there will be hundreds of trains because we have hundreds of reactors in this country and we are talking over 70,000 metric tons.

Mr. HECHT. If the Senator would yield for 1 moment?

Mr. ADAMS. I yield for a question without yielding the floor.

Mr. HECHT. That is correct. Let me just point out to you this is absolutely unnecessary, everything about the truckloads and trainloads. May I bring a very important point to the attention of the distinguished Senator from Washington? That France, having taken the lead in nuclear powerplants and nuclear energy and as I mentioned before they will soon be at 75 percent nuclear power; that all of their waste, having been recycled and reprocessed down since the 1950's to 1987, all of their waste is in a room about half the size of this Chamber. It is not 2,000 feet into the ground, not transported 3,000 miles across land; it is 4 feet under concrete where one can walk without protective clothing, without any type of protection at all.

Again, I want to make a point of this. All of their waste that has been generated since the 1950's or 1960's, whenever they started, is in a room about half the size of this Chamber and the distinguished Senator from Louisiana was with us when we walked over this, not 2,000 feet; underneath 4 feet.

Also, while we are talking about this very, very important point, I fail to understand the rationalization that America is attempting a course of action and handling nuclear waste in separate manners: civilian waste and military waste. It is all nuclear waste. There is absolutely no difference. But one part we are recycling down and one part we are not.

So, one part of this respository would be civilian, which would take a tremendous amount of space, and the other part would be military which would not take much space.

But all these trainloads that you are mentioning, all these special trains, all these special tracks, all these special trucks carrying the waste, all this upgrading of every highway, reenforcing every bridge, is certainly not necessary.

Why go into all of this? It is not necessary and in my opinion, it is not safe. That was my question to the distinguished Senator from Washington.

Mr. ADAMS. Well, I appreciate the Senator's interest. I would state to him that it may well not be necessary. This is the program that has been started by the committees in the consultation.

But I would leave this thought with the Senator and then he can comment on it when he begins to address the Senate later today or whenever. You have to send all of these rods that would come out of our reactors, U.S. reactors—because they are only processed once, they do not go through a reprocessing—to a reprocessing facility. So you would have to be moving them over and then reprocessing at that point, and then taking the reprocessed material and placing it where you want.

If you are going to do this, and I am just stating to the Senator he may want to consider this as he is working on his further remarks this afternoon—you might want to do this by regions instead of having one reprocessing plant. But if you are going to do it with the scatter of reactors that you have, you would have to have your reprocessing facilities fairly close. Those reprocessing facilities would have to be highly secured areas because they have a very high level of reactive waste and, second, they have the danger of those who might wish bomb material being able to obtain it.

So I wanted the Senator to think about those. I will probably be a little while longer here and then I am very interested in the Senator's remarks, because I think that may be a whole issue that other Senators would like to hear about in terms of the alternatives to the program that has been suggested.

Mr. President, let me continue by referring my colleagues to page 39 and 40 of H.R. 2700, which incorporates S. 1668 by reference.

In effect, I would like to direct their attention to page 40, which provides and states:

> S. 1668, Nuclear Waste Policy Act Amendments Act of 1987, as reported to the Senate on September 1, 1987, is included herein and shall be effective as if it had been enacted into law.

While this legislation was reported by the Energy Committee, make no mistake about it, S. 1668, all 33 pages of it, has not been enacted into law. For those Senators who are not familiar with S. 1668, it rewrites the Nuclear Waste Policy Act and significantly alters the procedures used by the Department of Energy to pick sites for permanent, underground repositories for the disposal of high-level waste.

I am sure that many Senators will be told how this bill overcomes delays in the program or is better than some other proposal or that it would be better than some other proposal which would result in delays. Let us be truthful. The authors of S. 1668 hope it will allow DOE to short circuit the current requirements of the Nuclear Waste Policy Act.

So, let me describe how S. 1668 would significantly change the 1982 Nuclear Waste Policy Act, passed by the Senate, passed by the House, signed into law.

S. 1668 would supersede the basic requirements of sections 113 and 114 of the Nuclear Waste Policy Act for developing a nuclear waste repository.

Currently, the Department of Energy is required, before it can select a final repository site, to make that se-

lection from a pool of three sites. DOE, under current law, would have to complete characterization of all of these sites and only after characterization is complete is DOE required to make the finding they are preliminarily suitable.

This is to say DOE can, under the NWPA, only pick a final repository site after it has amassed a great deal of information through site characterization. Site characterization is a detailed, 5- or 6-year technical program which includes the construction of large diameter shafts and underground workings at three sites.

In addition to developing a technological base, characterization requires the DOE to gather socioeconomic data. The technical and socioeconomic information is used to evaluate the suitability of the candidate sites. That is the current law.

That is not the process that we would follow under S. 1668, which we are being asked to put into this appropriation bill, H.R. 2700.

Simply put, under S. 1668, DOE would pick a single site to be a repository site prior to completing the characterization work now required by law at all three sites.

DOE could make this decision tomorrow under the letter of S. 1668. But, in any event, the decision would be made by the Reagan administration before it left office January 1, 1989. Only after DOE had selected a preferred site to be the repository would it be required to conduct site characterization tests. This "after the decision characterization" would allow DOE to gather enough data to meet the information requirements and the NRC licensing requirements. But the fundamental fact remains that DOE would not be making the decision about which final site to pick based on the high level of information or the high level of confidence which was required by the drafters of the NWPA, which was violated by DOE.

Supporters of S. 1668 argue that this will save time and money. I am not at all sure that is true. Their efforts to speed up the process may result in additional delays and uncertainties.

But even if their claim is correct, I cannot support a process that is going to last through our generation, the next generation, and the generations that follow, that places a greater emphasis on speed than on sound proceedings.

What their proposal really does is to assure that the site selection decision will be based on inadequate information, information that would otherwise have cost time and money to accumulate, but information that will allow DOE to make an informed decision.

I think, Mr. President, that it is very instructive that the Nuclear Regulatory Commission which has charge of licensing private nuclear reactors but no control for Federal, and the Commission itself have made this exact criticism of S. 1668. In a letter dated September 2, 1987, from the general counsel of the Commission, subject: comments on the Nuclear Waste Policy Act amendments of 1987, it reads:

> The commission does not oppose legislation which would require that only one site undergo at-depth characterization. However, it must be recognized that under such an approach there is greater potential for delay of ultimate operation of a repository than there is under the current regime where three sites will undergo at-depth characterization before a site is selected. If DOE were to find its chosen site to be inadequate or it could not demonstrate in a licensing proceeding that the site satisfied NRC regulatory requirements, there could be a considerable delay while characterization is started and carried out at another site.
>
> The commission believes from its regulatory perspective the best means to reduce such concerns would be to require DOE to conduct surface-based testing at all three candidate sites before selecting a single site for at-depth characterization. We believe that the additional information obtained would be useful to DOE in evaluating the suitability of the sites for licensing. Such testing would likely provide sufficient geologic, hydrologic, and engineering data to evaluate potential disqualifying factors and develop a basic understanding of each site's characteristics so that more informed judgements could be made on the selection of a site for shaft sinking.

Before reading further, I would like to emphasize that, Mr. President. The Nuclear Regulatory Commission, which is involved in the siting of nuclear reactors all the time and the problems involved in them, states that there should be a surface characterization first before drilling a big hole and before making a decision. This is why I have indicated to the chairman and to others that if we were to go with a sequential type of characterization, there must be a scientific basis for it. We simply will not accept in this country, Mr. President, the DOE going out again and saying, "We have selected a site," and then having a lot of investigation occur and find out they did not do it on a scientific basis.

People will accept a scientific return when they have a high risk like this, but they are not going to accept a department that has not performed. That is why we have said there has to be a scientific basis. The Nuclear Regulatory Commission with expertise in this field has agreed to that.

> In our view, this January 1, 1989 deadline, is not sufficient, particularly if a surface-based testing program is to be conducted as part of the process for selecting a preferred site. The NRC staff estimates that approximately 3 years will be needed at each site to conduct surface-based testing, analyze the data, and report on the results. This 3-year estimate does not include the time needed to have an adequate program in place before testing begins, time needed for obtaining site access at Deaf Smith, or time for any preliminary testing which might be conducted prior to submitting formal surface based site characterization plans. To provide plans, we also recommend that the legislation require that NRC and other concerned persons are given an opportunity to comment on DOE plans for the surface-based characterization program before it is implemented.

Note, Mr. President, it is terribly ironic that in May 1986 DOE made the selection of the sites in diverse geological media the primary, and let me stress primary, criteria for picking sites for characterization. DOE specifically selected the three candidate sites based on a specific principle that was absolutely necessary to investigate sites in diverse media. They said:

> The provision on diversity of rock types provides both insurance against deficiencies or failure common to all sites of a particular rock type and an opportunity to evaluate the siting, design, licensing, construction and operation of a geologic repository for diverse rock types. The provision on diversity of rock types offers an opportunity for the DOE to consider, during the site selection process, the advantages of alternatives in such areas as repository design, waste package design, and options for retrievability as well as alternative performance allocations and performance assessment capabilities for the sites in different rock types.

Under the Nuclear Waste Policy Act, the decision of which site to develop as a respository is required to be supported by a full environmental impact statement prepared pursuant to the Nuclear Waste Policy Act. Under the expedited procedure set out in the NWPA, this is the only environmental impact statement that DOE is required to complete.

In preparing this EIS, DOE is required to consider three alternative sites for which DOE has gathered information through site characterization. Under S. 1668, no EIS is required when DOE selects the preferred site to support the decision.

Under S. 1668, DOE would prepare an EIS after the single site was characterized, but this EIS would not consider any alternative sites whatsoever.

Consequently, a decision on which site ultimately will be selected by DOE as a repository is going to be made in an information vacuum with far less information analysis than required by current law. That is one of the points I raised with the Senator from Louisiana as to why additional information was necessary.

Even if the preferred site was considered acceptable after characterization, the pool of knowledge about the ability of any geologic respository to perform would be limited to the data collected at a single site and not from three.

This concern about the need to develop a knowledge based upon which to select a final repository site is not only central to the NWPA but to the Nuclear Regulatory Commission's reg-

ulations for developing a geologic repository adopted in 1981 as well.

S. 1668 authorizes construction of an integrated monitor retrievable storage facility, referred to as an MRS, and establishes a site selection process for siting the MRS. MRS has never been authorized by Congress, and the NWPA merely required submission of a proposal for MRS to the Congress.

While many arguments have been made in favor of a so-called integrated MRS as a logistical facility to be used for the transshipment of spent fuel from Eastern reactors to a Western repository—to take it out of the reactors and send it to this facility, take it out of this facility and send it to a repository, and from the transportation viewpoint, it is a horrendous amount of loading and unloading, which is the most dangerous point in this, unless you hit a bus, a propane truck, or a train falls off the rails, and such things do happen; they would create this as a logistical facility to gather this together for transshipment of spent fuel from the Eastern reactors to the Western respositories—there are economic and risk analyses that suggest that the MRS does not improve the cost or the safety of the DOE-proposed waste management system. In this area, then, the energy bill cannot be described as a simple reform or fine tuning. It is authorizing a new program.

S. 1668 also interjects new elements into the relationship between the Federal Government and potential host States.

First, S. 1668 sets up a program of economic incentives adding billions of dollars to the given States that volunteer to accept either the repository or MRS. States agreeing to the money under these so-called benefits agreements must waive their right under the NWPA to file a petition with Congress disapproving the site selection.

I share the hope—and I hope the Senator from Louisiana is correct—that somebody is considering this. I do not know of anybody who is considering it and I do not know of anybody who is an elected official who is recommending it, but maybe there are some. I hope maybe they will come forth. But I would say that every time this has been raised I have seen a great wall of silence from potential States for having this done. But I will leave that to be explained later in this debate by either the Senator from Louisiana or some other Senator who has a State willing to have this and accept the benefits. I hope they will speak up. I am simply saying this Senator does not know of anybody.

Now, there is certainly a precedent under NWPA for receipt of payments in lieu of taxes and other impact assistance, but this proposal requires a waiver of rights before all the information including socioeconomic information is developed for the site through site characterization. In other words, you have to make your deal, take your money, and then they check on the site. And if you do not like the way they have checked on the site, you cannot use the procedures that presently exist for challenging them.

It is also instructive that one of the advertised features of this bill is that it saves money by restricting data gathering requirements. The truth is that the inclusion of the benefits agreement provisions would result in a net increase in the overall cost of the Federal Nuclear Waste Program by billions of dollars for an indefinite period.

Under S. 1668, the NWPA requirements that DOE select sites for a second repository are deferred indefinitely, as is the continued investigation of the alternative sites for the first repository. DOE is merely required to report on the need for a second repository between the years 2007 and 2010. While the selection of sites in the Eastern United States has legitimately prompted a call for reexamination of the second repository, a reexamination that I have supported, Members of the Senate should fully recognize the consequence of what this legislation does in terms of narrowing the universe of sites available for nuclear waste repositories. It would be one thing if we had some considerably high degree of confidence in the sites being investigated for the first repository. But as we will discuss at length in this debate, there is little reason for confidence of what DOE did.

The NWPA already contains major limitations on the National Environmental Protection Act and judicial review. Cases brought under the present law under NWPA automatically go to the U.S. Court of Appeals under section 119 of the act. S. 1668 would further restrict the rights of any party to judicial review for the new waste activities established by the bill. In other words, there is further limitation. Cases would be handled exclusively by the temporary emergency court of appeals. They would have to be filed in 30 days and decided within 60 days. Furthermore, the grounds for judicial relief otherwise provided under the Administrative Procedures Act are also restricted. In other words, the whole effort here is to get it done as fast as possible and if a lot of people are not heard on it, that is really kind of too bad.

Mr. President, many of these provisions simply remove the system of checks and balances established by the 1982 act to prevent DOE from cutting corners, from playing politics, and from putting its historic paternal role to the nuclear industry ahead of safety.

I ask my colleagues, has the Department of Energy made some dramatic change in the last couple of years that would engender the view that these safeguards are no longer applicable? In particular, I would ask my colleagues from the Eastern States that DOE has been investigating as potential repository sites whether they believe that the Nuclear Waste Program adequately considered the environment, public safety, economic and geologic circumstances in their States? I think all of them have had considerable experience with the DOE moving into their States, and I hope that some of them will speak up so that this is shown to be what it really is, a national problem with DOE having lost all credibility.

The real reason these changes are being made in S. 1668 is that States that have been targeted by the Department of Energy as candidate States for high-level nuclear waste facilities have argued that the Department of Energy has violated the Nuclear Waste Policy Act and have tested the procedures in the current law. The Energy Committee's report draws specific attention to what it calls a determined attack on the DOE Program. Although the Energy Committee report also notes that many problems in implementing the NWPA have stemmed from unrealistic deadlines and rising costs have nothing to do with opposition to the program, the committee has focused almost exclusively on the political aspects of this issue. As a result they have ignored hours and hours of testimony given year after year before the Congress attesting to both the procedural and technical inconsistencies, problems and violations by the Department of Energy.

In particular, the committee report singles out what it calls a major effort to shut down the entire Nuclear Waste Program indefinitely.

As a cosponsor of one of the pieces of legislation cited by the Energy Committee in this regard, I think I ought to set the record straight about this "conspiracy" to mothball the Nuclear Waste Program that so troubles the Energy Committee.

On July 1, along with Senators SASSER, GORE, REID, HATFIELD, PACKWOOD, ROCKEFELLER, PROXMIRE, SANFORD, MITCHELL, and COHEN, I cosponsored legislation to create a review commission to analyze the Department of Energy's implementation of the Nuclear Waste Policy Act. I believe that all the sponsors have personal knowledge of the problems with the way this act has been implemented, including conduct of the second repository program which the Energy Committee deems to have been sufficiently unwarranted as to suspend indefinitely. They all had experience

with DOE, and what we were trying to do and what has been referred to as "mothballing the program" was to bring DOE under some kind of scrutiny and control so that it is not completely done outside of the House and the Senate committees by the press.

For goodness sake, we have article after article—and during the days of this debate, I will read them—from every paper in this country with horrifying stories of what has not been done by the Department of Energy as they have gone around the country and how they just simply do not believe that a safety program is in effect.

Now, I am sure that the Energy Committee meant to apply the term "critic" and discuss rather than attempting to destroy or mothball—by the term "critic" and discuss the significance of this legislation in a manner which those of us who proposed, the one that I have just referred to, with so many Senators on it—as a legitimate approach to solving the problems that have evolved with the implementation of NWPA for the last 4½ years. We have been at this for 4½ years and the results have been terrible. And they recognize they are terrible. That is why I indicated in my earlier remarks to the Senator from Louisiana I was prepared to work with him and am prepared to work with him—so are the other committees, House and Senate—to correct all these mistakes that DOE has made but not just to give the DOE more powers, not to bypass the process, and to create a good process and put some other people in there in whom we have some confidence who will see the job is done right. So we will get the result that the Senator from Louisiana wants which is a nuclear waste repository program that will work, and the transport can be accomplished. And I do not even know.

I do not see the Senator from Tennessee here now. But I know he will undoubtedly want to make some comments about the MRS, the monitor retrievable storage facility. He is worried about that. This bill would put it in. And the old bill would not.

Maybe they have made some kind of arrangement where they agree to take it out but as of now he has gotten it authorized by this bill.

Speaking for this Senator, I did not presume on July 1 that the Nuclear Waste Policy Act needed to be amended. I was more concerned on that point with the actions of DOE and the fact that the bill could work if they would make it work, and not to carry out their ancient bureaucratic system which is a carryover from the years going clear back to World War II when the Atomic Energy Commission was created. It has always been paternalistic, secret. I have commented to Senators in other contexts that as a person who has been in Congress for many years and in the Cabinet, and now in the Senate, I tell you, it is harder to get into the Department of Energy than it is the Department of Defense. I mean they run this thing over there like everything is top secret. They may have some top secret things in there. But it is an attitude. And it is an attitude that is not shared around the rest of the world. It is an attitude that is in so many ways out of date.

In other words, we got into the situation where a young student goes into the local public library and constructs a drawing of the atomic bomb. I assume they are worried there are some papers in DOE that refer to this. That is fine. I think we ought to classify them, lock them up, take care of them. But the whole building is very much under a security basis. Yet people know how these things work. Certainly the Russians know how they work. So do the other members of the nuclear club.

Our big problem has been keeping people from getting the materials. I hope they are not storing any materials in that building. But it shows an attitude.

And so when I did hope that we would continue on and have the authorizing committees complete it I did presume there would be a reported version. And I thought that in these various bills they would state that the nuclear waste program was off track, and that Congress needed to halt the implementation—in other words, the operations of DOE until it was put back on track. I hope we will do that. I hope that will be the final result here.

For the record, let me just read part of the statement of the managers of the continuing resolution which last fall in the 99th Congress curtailed the funding for the high-level waste program. In others words, this is not something that has been brought forth for the first time by this Senator.

(Mr. DASCHLE assumed the chair.)

Mr. HECHT. Would the Senator yield for a question?

Mr. ADAMS. I would yield without yielding the floor and only for the purpose of a question. I would yield to the Senator from Nevada for a question without yielding my rights to the floor.

Mr. HECHT. Following up on the Senator's remarks, and he and I were not in the U.S. Senate in 1982 when this act was passed. Does the Senator feel now in his opinion that this act should be repealed?

Mr. ADAMS. I am sorry. Would the Senator repeat?

Mr. HECHT. I brought out that the Senator and I were not in the U.S. Senate in 1982 when this act was passed. Does the Senator feel now, following up on his remarks just a moment ago, that this act should be repealed and we should go forward with a new act? What is his opinion on that?

Mr. ADAMS. I will answer the Senator's question this way: I think that we can proceed with this act in a changed form and that this involves control over the implementation of it. It involves such things as requiring site characterization, and I will be happy to place in the RECORD and give to the Senator a series of amendments that I proposed to it.

I will state to the Senator this: That if we cannot get some results like this, then I am going to go with the position which has been recommended by committees in the House, and by other Senators of saying let us do away with this act and start all over again with the Commission and redo it.

I have withheld from doing that because I believe my good friend from Louisiana has worked very hard on this bill, and the other members of the committee. I am willing to try to go along and make the bill workable and control DOE so that it can be implemented. But there does arrive a point where, yes, if this does not happen we will have to go back to square one.

I am not at that position yet. But, as I indicated earlier to the Senate, and I will state again to the Senator from Nevada, this process that we have been going through represents the radicalization of a moderate. And they can get me far enough where I will say junk the whole thing. I have not arrived there yet.

Mr. HECHT. And break up our entire——

Mr. ADAMS. I will yield to the Senator without yielding my rights to the floor for another question.

Mr. HECHT. Our entire nuclear waste program is a problem with our nuclear powerplants or vice versa or any way you want to put them all together.

The problem with our nuclear program and our energy policy is nuclear waste. And we have to address the issue of nuclear waste. I am not sure it has been addressed adequately in the act of 1982. Obviously, when you go to another country that is as efficient as France, with their nuclear policy and their nuclear powerplants, and not one protestor in the entire country of France, no one is outside the nuclear-plant protesting, but they have a policy. They have an energy policy. What is America going to do in the next few years?

Secretary Hodel spoke before the Senate Energy Committee not too long ago and said we can have gas lines in America in the 1990's, or by 1990. We are engaged right now with other countries in the gulf on police action, though we have not had a real correct term to use for involvement in the gulf but roughly 60 to 70 percent

of the oil reserves of the Earth are in the gulf.

Let us just think for a moment, stand back and reflect. If we lose these oil reserves in the gulf, or if we are unable to get these oil reserves and transport them to Japan, to Europe, and to America, we have our nuclear powerplants unable to open up, absolutely finished, but unable to open up, not because there are flaws in the construction of the nuclear powerplant. They cannot open because of politics. So politics is stopping our entire energy program.

I say to the distinguished Senator from Washington that nuclear waste is a problem in America. It is not a scientific problem. It is a political problem. It is not a political problem in France. They understand what energy is.

America and the people of America one day will find that their power bills are four or five times higher, that the factory where they are working is going to be closed down because they are not competitive with the rest of the world.

We are talking about competitiveness every day here, on the trade bill, and so forth. How can we be competitive if we do not have an energy policy? How can we be competitive when our energy is very high and that of other countries is very low?

Nuclear waste is a political problem in America. It is not a scientific problem. The scientists have it worked out. Obviously, others took our technology and added to it, and they do everything very successfully. But only in America do politics get before the scientific data. That is not correct. We must use the correct scientific data, deal with our nuclear waste, and get an energy policy in America.

My question is, does the Senator not agree that we have to have an energy policy and that nuclear waste is the crux of that energy policy?

Mr. ADAMS. I answer the Senator's question by saying, yes, we do have to have an energy policy.

One of the problems—because I am familiar with the French energy situation—is that in France it is easier to achieve a political consensus with regard to nuclear power because they import all their energy supplies and they have to rely to a great degree on their nuclear plant system. They also have a place where they could get rid of their waste and they could recycle, because they could use it in their military plants, since they were using their reactors, in effect, as a base for supplying highly enriched uranium or plutonium. Also, they are required to import large amounts of gas.

In our country, I agree with the Senator on the basis that we have to have a political consensus; that is "political" with a small "p."

That is the whole purpose of the debate we are having today—our stating that we have to have all the various committees and the people involved believe and have confidence in the program.

There is a gap in the United States in the nuclear cycle, and that is, what do you do with the waste at the end? So that is being addressed by the committees in the House and in the Senate, to try to get a solution to it.

We have other sources of energy, so nuclear energy has been competing with these other sources; and, unfortunately, we have not gotten a political consensus. To arrive at a political consensus with something as dangerous and with the amount of secrecy with which it has been shrouded in the United States, you have to have a scientific basis.

People will not accept a Government agency coming in and saying, "It is going to be OK." They want to have a scientific basis for selection, and they want to know that the thing is going to work, and they do not have that confidence.

This was true in the 99th Congress as well as the one—the Senator is correct—in which neither of us was there when this act was passed in 1982. But in the 99th Congress, it curtailed funding for this high level waste program, and in particular it said—and I quote from the statement of the managers of the House and the Senate on October 15, 1986, in the House portion of the CONGRESSIONAL RECORD:

> The conferees believe that the surest course for the Department lies in the careful implementation of the Nuclear Waste Policy Act in close consultation with the affected parties, in particular, the affected States. The conferees urge the Department to continue such consultation in hopes that pending litigation may be resolved in a timely manner. It seems obvious that a restoration of consensus is required before significant progress can be made and that many of the original deadlines of the act will not be met. The important task is the resolution of the numerous issues in which the program is now embroiled and the restoration of confidence in the program.

I ask my colleagues: Has the DOE program improved so dramatically in the last year since that CR was passed? Has it improved so dramatically since our colleagues in the House adopted their version of this very improved bill? The answer is "No."

Mr. President, there is no grand conspiracy by a handful of evil agents to kill the DOE nuclear waste program. There is, however, a widely-held view, and I think it is shared by members of the committee—all the committees involved—that the nuclear waste program is seriously off track and that DOE's activities, conduct, and implementation of the Nuclear Waste Policy Act need to be reexamined. The authors of S. 1168 may disagree with that assessment, but the blunt truth is that many, including this Senator, believe this to be the case.

I also want to reiterate that this Senator would not support an effort to "kill" the Federal nuclear waste program, as some might suggest.

As I have indicated, there are over 63 million gallons of high-level radioactive waste stored at the Hanford reservation in Washington State. A large number of these wastes are stored in 149 single-wall tanks, some dating back to the Manhattan project, and 20 newer double-shell tanks. Fifty-nine of the single-shell tanks are confirmed or suspected of leaking high-level waste.

No one has a greater interest in having a successful resolution of the high-level waste disposal issue than the people of Washington State, and no one has seen a more arbitrary and counterproductive effort to site a repository. Nobody has seen that to the degree our State has.

I must respectfully disagree with what seems to be the central premise of S. 1668, that the problem rests with those who are critics of the Reagan administration's efforts to implement the law, representatives of States targeted by DOE, the so-called "not in my back yard," or, "NIMBY" syndrome.

Mr. President, we in Washington State already have waste in our back yard. Every delay in the repository program, every public relations blunder by the Department of Energy, every technical criticism ignored, ultimately means that nuclear waste is going to stay in Washington State, right in our back yard.

I will not deny that citizens of my State and other States perhaps have either the first or second repository or monitored storage policy. All these have been very critical of DOE's decisions to site those facilities within the borders of our States. But let me be blunt: DOE has made siting decisions on the basis of blatant political calculations while subverting scientific considerations. DOE has repeatedly resisted obtaining essential geological data prior to making site decisions.

Instead, DOE has made data collection an all-or-nothing proposition by rolling virtually all meaningful data gathering into the site characterization phase at a combined cost of roughly $1 billion per site. Confidence and credibility have also suffered from the simple fact that DOE's operations offices and technical contractors have often had an inherent conflict of interest since follow-on contracts depend upon finding a suitable site. You have somebody looking for a site who has an interest in having the site, so they can have the follow-on contract. DOE has only recently acknowledged this problem in proposing to hire a single technical contractor to oversee site characterization activities.

Is it any wonder this program has been delayed and is in trouble?

To make matters still worse, the technical information DOE did gather is highly suspect since DOE had issued stop work orders at both Hanford and Nevada in early 1986, at the very time it was recommending those sites, because of quality assurance problems with its technical contractors. It might interest my colleagues to know that those stop work orders have never been fully lifted.

So the people, who were looking while they were choosing, put stop orders on. It is an incredible story.

And DOE has made a mockery of the "consultation and cooperation" process Congress established in the Nuclear Waste Policy Act and forced States to go to court just to get funding to conduct independent technical evaluation studies.

Without repeating all of the testimony given by representatives of my State, or Texas, or Nevada, or Tennessee, or Minnesota, or Wisconsin, or Maine, or New Hampshire, or Virginia, or North Carolina, or Georgia before the Congress and DOE and the Nuclear Regulatory Commission over the past 4½ years concerning DOE's conduct of this program, I think its time to stop blaming the States and Indian tribes and their elected officials and put it where it belongs: on the Department of Energy.

While I recognize the efforts of the authors of S. 1668 to try to resolve the gridlock in which the high-level waste program has mired itself, the solution is so draconian, so antithetical to the need for a technically and scientifically conservative program, and so sweeping in its recession of the safeguards in the original law, that I feel I must take whatever steps I can to oppose this approach and inform my colleagues about its impact, today, tomorrow, the next day, however long it takes.

Mr. President, let me make another point. There has been a great deal of "sub rosa" discussion of the impact of this bill. Some of us have been told, quietly, that this bill will really result in Nevada, or somewhere else there is an offer, being selected as the site of the nuclear waste repository. And I will be honest, Mr. President: If I believed that, if I really believed it I might be tempted to let this bill go through, give a wink to my constituents, and tell them that everything will be all right.

But, Mr. President, I do not believe any place has the honor of hosting the repository. I have looked at the language of this legislation carefully and closely. I have looked at it with hope and with fear. But no matter how long I have looked at it, no matter what my mood when I looked at it, I cannot find any sentence or any word which says one place gets it and Washington gets off the hook.

Mr. President, this is not what it has been characterized as going to one place. This is a Washington, Texas, and Nevada bill. This legislation gives DOE unprecedented discretion to pick any one of three existing sites—in Washington, Texas, and Nevada—and only those three sites. Even though I might disagree, they never should have been selected as three in the first place.

DOE has declared all three of those sites suitable for characterization and there is nothing, absolutely nothing, in this legislation which would require DOE to reexamine that assumption. There is nothing in this legislation which would require DOE to collect any new information about any of the three sites which might affect that assumption. There is nothing in this legislation which would require DOE to meet any higher threshold of suitability about any of the sites. In fact, changes the legislation makes to the Nuclear Waste Policy Act would actually lower the burden of proof otherwise required of DOE to pick a sound, safe site. Furthermore, under S. 1668, if DOE chose Nevada and it did not turn out to be suitable for a repository, DOE would be required to immediately go to one of the remaining sites in Washington or Texas.

Given DOE's record in this area, even if there were language declaring the repository in some State other than mine, I would not really feel very comfortable. It was just a few years ago that DOE was narrowing the list of candidate sites from five to three. Washington's site was ranked number five on that list but, somehow—despite all the criteria, despite all the data, despite all the evidence—Hanford magically moved from fifth position to third. So even if there was language in this legislation which said that DOE had to put the repository in Nevada, I would be willing to bet DOE would try to find a way to give itself some more options.

Mr. President, while I might be tempted to let this legislation go through, I hope I will not yield to that temptation to just say it is all a done deal. The Nuclear Waste Program is too important to be treated as a parochial or as an individual State issue. My State has indicated—and I have stated this to the chairman—it could live with any decision which is made about siting a repository if the decision was based on science. But the decisionmaking process created in this legislation subverts science and places a priority on politics. I would not feel comfortable with a process which was rigged even if it was rigged in my favor. So while I might be tempted by a promise, I can easily reject a wish and prayer. I want science. Only science will give us the kind of process we want and the kind of protection my State, other States, the United States deserves. This legislation does not give us science, and it does not give a State any realistic political protection either.

S. 1668 would set up a process for selecting the sites for the Nation's nuclear waste repository with a roll of the dice. DOE has three sites that it does not know enough about and is betting that after it spendis $1 billion at each it will come up with a winner.

Mr. HECHT. Mr. President, will the Senator yield for a question without losing his right to the floor?

Mr. ADAMS. I yield for a question without yielding my right to the floor to the Senator from Nevada only for purposes of a question and I do not yield the floor. The Senator from Nevada's question?

Mr. HECHT. I thank the distinguished Senator from Washington. I am proposing an amendment. The Senator mentioned three sites. There is also an alternative which I am going to put an amendment onto this bill which the State might volunteer and if they meet all the criteria then they could be chosen for a site. Would the Senator be in favor of that amendment?

Mr. ADAMS. What is the criteria?

Mr. HECHT. They would have to meet the criteria of a repository but a State, not Washington, not Nevada, not Texas, but perhaps another State might volunteer. Under the present law it could not be put in that volunteer State.

Would the Senator be amenable to allowing a volunteer State to be included in this particular act?

Mr. ADAMS. I will consider that, I will state to the Senator, when it is in form and it has been submitted. I will give that some study and thought and then will discuss it with the Senator from Nevada.

Now, S. 1668 does not even follow that dubious plan, but simply allows DOE to take these same three first round sites, sites that many concede we do not know enough about, and roll the dice right now, without any more characterization. Sites like Washington and Nevada were picked a dozen years ago because they were owned by the Federal Government and not as the result of thorough scientific analysis and nothing DOE has done since has materially altered this fact.

If we are going to be betting the future of the Nuclear Waste Program, the future of the nuclear energy industry, and the safety of those who are living with the wastes today, we simply have to have better odds. The only way we can improve those odds is by making sure that the decisions that are made in selecting and developing sites for high-level waste disposal are

based on sound technical analysis and not a high stakes gamble.

Mr. President, I want to take a moment to explain again what my amendment does. It accomplishes three objectives:

It contains all the amendments adopted by the committee.

It contains all of the House language which the committee accepted.

It preserves the rights of all Senators to offer any amendments they may want to have considered.

In short, the amendment does precisely what the committee bill does—except that it does not force us because it leaves out this Nuclear Waste Policy Act. In other words, it keeps out the other parts. It drops that out. It does not force us to consider substantive changes in a Nuclear Waste Policy Act on an appropriation bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I first wish to compliment and congratulate the Senator from Washington for the time that he has spent. I think the statement that he has made shows the depth of his understanding of this issue. I think that the statement that the Senator from Washington has made shows his knowledge of the procedures here in the U.S. Senate and I would like to associate myself with the remarks that the Senator from Washington has made.

The introduction, Mr. President, of H.R. 2700, the energy and water appropriation bill, causes me great concern. Part of this bill, an amendment incorporating another bill, a wholly-legislative initiative by reference, is the source of my concern.

I think the statement of the Senator from Washington in this regard was excellent. I also, however, have never made a secret of my opposition to enacting a major, new authorization bill on nuclear waste as part of this important energy and water appropriation bill. I opposed this effort in the Appropriations Committee, as did a goodly number of other appropriation members, and I oppose it now.

There are currently several competing pieces of legislation aimed at modifying the Nuclear Waste Policy Act of 1982. The most appropriate way to arrive at a final decision on this legislation would be to consider these proposals as freestanding authorization bills. However, we now have some of these proposals added to the reconciliation bill and, worst of all, S. 1668, the legislative initiative included by reference in the legislation before us now.

I would hope that the subcommittee leadership would reconsider and drop this effort at authorizing on an appropriation bill.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. REID. I would yield for a brief question without losing my right to the floor.

Mr. JOHNSTON. Does the Senator from Nevada consider the $100 million a year benefits package in S. 1668, made apart of this amendment, to be worthwhile? Because I think the Senator will probably agree with me, if this amendment is successful, that $100 million is gone. Would the Senator agree with that?

Mr. REID. Mr. President, I do hope, I say to my friend from Louisiana, the senior Senator from Louisiana, I do hope this amendment is successful. And I do recognize that the Senator has worked very hard trying to craft a compromise.

But, based upon the job that the Department of Energy has done on the parties concerned, I do not think that even the great ability the Senator from Louisiana has can save this problem that the DOE has created, especially in light of the fact that we are a bicameral legislature and it has to go through the other body.

I would also respond to my friend from Louisiana that I am going to develop, in the remarks I will be giving in the next little bit, some response to your question and you will see that in some of the remarks I have prepared.

Mr. JOHNSTON. If I may ask one more question.

Mr. REID. I yield without losing my right to the floor for the purpose of a question.

Mr. JOHNSTON. I thank the Senator.

The $100 million incentive package, as you know, was put into our legislation, and in no other package is that contained, not in the environment and public works package, not in the pending amendment, not in the amendment being developed by the Interior Committee in the House. Nowhere else is that contained.

I am sure if we get to conference on this bill, whether this year or next year or whenever, that will be a matter to be discussed.

I guess I am asking the Senator: Does he care about the $100 million waste package or should I fight for it if it comes up in conference?

Mr. REID. I would hope, if this ever makes it to conference. However, in, again, answering as directly as I can the distinguished Senator from Louisiana's question, the unfortunate State that receives the dump obviously should and, I believe, will, whether this goes to Texas or whether a second site is involved in some respect or Washington or Nevada—I hope some economic benefits would come because of the tremendous crunch that it has.

As has been pointed out by the Senator from Louisiana, people simply do not want it, and for very good and valid reasons. And I will develop those during the time I will spend on this amendment that is now before the Senate.

I hope, as I mentioned, that the subcommittee leadership would reconsider and drop this effort at authorizing on an appropriation bill. However, if the subcommittee leadership is to proceed down the path, again, as I mentioned, that my friend from Washington has developed, I intend to take the time I believe is necessary to inform my colleagues of the problems that have existed and still exist in the nuclear waste program and to point out why we should not be rushing headlong to judgment on the selection of a permanent, high-level radioactive waste repository.

During the past few months, I have risen on a number of occasions to bring to my colleagues' attention many of the disasters and near disasters—and, I repeat, disasters and near disasters—that have occurred at nuclear facilities involving nuclear waste. One of those—and I know some of my colleagues do not like me to keep reminding them of some of these disasters—but one of those at Savannah River on the South Carolina and Georgia border has been an open sore festering nuclear waste in the facilities ground water. Another, West Valley, in New York, has leaked waste into a creek that leads to one of the Great Lakes, Lake Erie, the source of drinking water for Buffalo, NY, and other places. Still others, include Maxex Flats, KY and Hanford, WA, are as examples of how things can really go bad with nuclear waste.

The potential for serious public health and safety problems is real. It is not imaginative. It is real. In addition, the cleanup of those facilities that I have mentioned will take decades—not weeks, not months, not years, but decades—and not millions of dollars but billions of dollars to clean them up. And these are taxpayers' dollars.

So you see, Mr. President, the substance of the legislation before us also sets a dangerous precedent. It rewards the Department of Energy for gross incompetence—I repeat that: it rewards the Department of Energy for gross incompetence—if not illegal actions, thus sending a message to the executive branch that it can ignore Congress.

I think it is important to mention here, while we are talking about the Department of Energy, that the senior Senator from California and I have been trying to meet with the Secretary of the Department of Energy for almost 3 weeks. He has not had time to meet with us. For almost 3 weeks, the Senator from Nevada and the senior Senator from California have been trying to meet with the Secretary of the Department of Energy and he does not have the time.

That is only one example of how the Department of Energy conducts itself.

The Department of Energy's implementation of the Nuclear Waste Policy Act of 1982 is a debacle beyond description, while its Office of Civilian Radioactive Waste Management has been and is governed by technical and political incompetence. There is something even more important, Mr. President, at stake. If the Senate supports this legislation, it will be in fact selecting the site for the first attempt at constructing the Nation's geologic, high-level, radioactive waste repository. This exonerates the Department of Energy and absolves the executive branch of all blame for the situation in which we now find ourselves.

Last Thursday, less than a week ago, before the Nuclear Regulatory Subcommittee, Chairman JOHN BREAUX elicited a very disturbing set of facts.

The independent—and I repeat that—independent Nuclear Regulatory Commission, the agency that will have to license the repository, testified that additional hydrologic testing is needed at the Hanford, WA, site and the Government has virtually no information from the Deaf Smith site. Virtually no information. This points up the wide discrepancy in the amount of information available at the three sites, the third site, of course, being Yucca Mountain, in Nevada.

Based on this startling revelation—and I would mention here as a sidebar, Mr. President, I think the questions that were asked here this morning by my colleague from Nevada were probative, and I look forward to his developing these at greater length. Based, though, on the startling revelation that we learned before the subcommittee last week, one can see that a decision to choose a single site for a hit-or-miss multibillion dollar study based on the criteria and time constraints presented in S. 1668, must lead to the selection, many say, of Yucca Mountain. That selection would be based on the quantity rather than the quality of information gathered from the three sites.

I might add there are still many unanswered questions relating to the hydrology and geology, not to mention many other potentially disqualifying problems relating to national defense that exist at the Yucca Mountain, NV, test site.

In short, the major new legislative initiative contained in this appropriation bill puts each of us in a precarious, and to me untenable, situation. If we pass this legislation and choose the wrong site for political expediency, billions of dollars, the safety of millions of people and the future of nuclear power in this country will be jeopardized. Yucca Mountain will be the albatros all of us will have to wear.

I do not intend to sit idly by and allow this legislation to put the citizens of my State in the same or greater jeopardy.

Let me begin my perspective by providing you with a little bit of information about Nevada. First of all, I think it is important, before I get into the meat of that, I think it is important to talk a little bit about the air base that we have located near the nuclear testing range: Nellis Air Force Base is the most important fighter training facility in the free world. They have a gunnery range, a bombing range, that lies adjacent to the test site.

Over the years, they have been able to work out a good arrangement with the test site so that they have been able to conduct their activities. I felt it would be interesting to write to the Air Force and find out what they thought of having a high-level nuclear waste repository adjacent to their gunnery and bombing range.

They wrote back and said: "No, thanks." They wrote back and said that it would not be good for the defense of this country.

This letter, which was just received in October and was addressed to myself, said:

> This is in response to your joint letter of July 14, 1987, to the Secretary of the Air Force regarding impacts on the Nellis Air Force Range of the proposed Nuclear Waste Repository at Yucca Mountain, Nevada.
>
> The Tactical Fighter Weapons Center Range Complex is considered the Tactical Air Command's most important combat readiness training and testing resource. The projected uses of this range complex indicate stable growth through the year 2000 and beyond. By then the ranges are expected to be used 20 hours per day, six days per week. This includes extensive combat readiness training and development test/evaluation of tactics and weapons systems.
>
> Additionally we anticipate that flying operations at Indian Springs Air Force Auxiliary Field—

and I would point out, Mr. President, that Indian Springs is even closer, as a fixed base, than Nellis. It is very close to Yucca Mountain.

> Additionally, we anticipate that flying operations at Indian Springs Air Force Auxiliary Field, which could also be affected by the repository siting, will expand in terms of sorties and munitions movements.
>
> The key to the tremendous value of the Nellis Range Complex is its versatility.

I would point out, Mr. President, that this is the case where the red flag exercises are conducted. This is the gathering place for the free world of the Ph.D. degrees in flying a fighter plane. It is the Ph.D. There is no place like Nellis Air Force Base and the red flag exercises.

The key, I repeat, to the tremendous value of the Nellis range complex is its versatility. It is large. It is versatile. You can do a lot of things there.

> Currently, the Air Force is able to conduct supersonic, live munitions, low level, and electronic jamming missions on the Nellis ranges. A restriction on any one of these missions due to a nuclear waste repository would reduce the utility of the Nellis Range Complex and lessen the payback from our tremendous capital investments made there.

Mr. President, this affects not only the United States of America. It affects the air forces of the free world. They all come there to receive their Ph.D.'s.

> Since the Department of Energy proposal does not contain data about proposed overnight restrictions, if any, we cannot identify specific impacts in our operations at this time.

Therefore, there are no previous studies addressing impacts.

Can you imagine that? Having spent tens of millions and millions of dollars, and no one came up with the idea that maybe we should see what impact this is going to have on the greatest fighting training facility in the free world?

There are no previous studies addressing these impacts.

Mr. HECHT. Will the Senator yield for a question?

Mr. REID. I yield for a question without losing the floor, as long as the question does not relate to the Secretary of Energy. If it relates to the Secretary of Energy, I do not yield.

Mr. HECHT. It is not to the Secretary of Energy. It is very pertinent to exactly what you have been talking about.

Mr. REID. I yield.

Mr. HECHT. I wanted to make the point that I have written several letters to the Air Force in 1986 and as a result of the response, which was similar to the response which you received, I attached an amendment to S. 1668 which would require the Secretary of Energy to consult with the Secretary of Defense before selecting the site for a repository and to make sure that no repository would be selected that would endanger national security, such as the critical work done at Nellis.

I just thought I wanted to make you aware of it because you are not on the committee and you might not have been aware of that amendment.

Mr. REID. I would respond to my colleague from the State of Nevada that I think the trip that you took, the trip that you took to Europe—which I publicly congratulated you on when you went and when you came back—I think it was a tremendous thing that you did because you have been very informative about what you learned over there.

I would also state that this, what you mentioned right here, I personally was not aware of that and I am glad that you made that part of the RECORD, that the Department of the Air Force is aware of the problem. I am glad that you brought that to my attention.

Mr. HECHT. And the Secretary of Defense can have the final say because of the importance, not just of Nellis

Air Base, but of all the other critical functions that are involved in the Nevada test site.

Mr. REID. I look forward to your amendment and, of course, will support you in that regard. Thank you for the question.

Referring to the letter again:

Currently, the Air Force is able to conduct supersonic, live munitions, low level, and electronic jamming missions on the Nellis ranges. A restriction on any one of these missions due to a nuclear waste repository would reduce the utility of the Nellis Range Complex and lessen the payback from our tremendous capital investments made there.

Since the Department of Energy (DOE) proposal does not contain data about proposed overflight restrictions, if any, we cannot identify specific impacts on our operations. Therefore, there are no previous studies addressing impacts. Currently, the DOE has contracted with the Science Applications International Corporation to perform an assessment of Air Force aircraft impact frequency for the site and the proposed rail access routes.

Understand, this transportation system has been mentioned here and talked about by my friend from Washington. This transportation thing is not something that is just going to go away. There are some people talking about major railways being built to different parts of this country. There are people who are very, very concerned about bringing the 70,000 truckloads of high-level nuclear waste down highways and freeways.

I can remember in rural Nevada I was talking to a police officer and they in their teletype the day before had gotten the word that there was going to be a hazardous waste payload coming through that little town in rural Nevada.

The only good it did to notify us was to frighten us. There is nothing we can do. We have no equipment to do anything if something goes wrong.

That was hazardous waste. We are talking about high-level nuclear waste here.

The Tactical Fighter Weapons Center staff at Nellis has participated in reviewing this effort and providing necessary information. This study is on-going and the Air Force is making every effort to ensure our concerns are included.

The Air Force shares your concerns about protecting the existing and future mission of Nellis Air Force Base and the Nellis Range Complex. The significant contributions which these assets make to national defense training and testing must not be reduced due to nuclear waste repository restrictions.

We appreciate your interest in this matter and hope the information provided is helpful. A similar letter is being provided to Representative Bilbray who joined you in this letter.

Sincerely,

TIMOTHY L. TITUS,
*Colonel, USAF, Chief, Program Liaison Division, Office of Legislative Liaison.*

Mr. President, I want to talk now about politics, promises, and nuclear waste disposal. This is a view from Nevada. I think it is important in that we have heard so much about Nevada that we get a Nevada perspective of this very important legislation which the people of Nevada are frightened about, and rightly so.

When the U.S. Congress enacted the Nuclear Waste Policy Act of 1982 it set forth a long-awaited national policy for the disposal of highly toxic and extremely long-lived waste products from the country's nuclear power reactors and defense research facilities.

The act reflects the years of compromise and debate required to balance the various interests that must be considered in legislation with such far-reaching implications.

In its final form the NWPA, which stands for Nuclear Waste Policy Act, managed to incorporate the interests of factions as diverse as the nuclear industry, the environmental organizations in States containing potential repository locations, into a decisionmaking process that was viewed as an equitable and workable solution to the Nation's nuclear waste disposal dilemma.

I was going to give a little side bar as to how the research basically for high-level nuclear waste has been terminated since the 1982 act, but we will have a lot of time, Mr. President, to get into that later. I will go ahead with my Nevada perspective.

The enthusiasm and sense of promise with which this legislation was greeted are reflected in President Reagan's remarks upon signing the measure into law on January 7, 1983.

The President noted that almost a dozen congressional committees "were involved in this legislation, but with bipartisan support and cooperation from industry, labor, and environmental groups we managed to get it through the process. It is a bill that is good for all these groups because it is good for America. This legislation represents a milestone for progress and the ability of our democratic system to resolve a sophisticated and divisive issue."

Mr. President, I want to go back and reread the quote from President Reagan that was given at about the same time that I was sworn in as a Member of the House of Representatives for the first time. The President stated:

Almost a dozen congressional committees were involved in this legislation, but with bipartisan support and cooperation from industry, labor, and environmental groups, we managed to get it through the process.

The President continued:

It is a bill that is good for all these groups because it is good for America. This legislation represents a milestone for progress and the ability of our democratic system to resolve a sophisticated and divisive issue.

Less than 5 years following its optimistic beginnings, however, the high-level waste program today is in serious trouble. Representative MORRIS UDALL, a man who is respected in this body and in the other body, by the Democratic Members of both bodies and by the Republican Members of both bodies—I do not know of a Member of Congress who has more respect than MORRIS UDALL, chairman of the Interior Committee—is regarded as the father of NWPA, the Nuclear Waste Policy Act, and its most ardent supporter. But even this man, the father of the Nuclear Waste Policy Act, told the House Appropriations Committee just a few months ago, in July:

I have about given up on the present program. There is no hope of making it work. I am ready to go back to square one.

When MORRIS UDALL, chairman of the Interior Committee, the father of the Nuclear Waste Policy Act, makes a statement where he says there is no hope of making it work, "I have given up the present program and I am ready to go back to square one," when MORRIS UDALL says that, then we had better go back to square one.

The demise of the highly touted national solution to the nuclear waste quagmire is a chronicle of Federal agency mismanagement which has seriously undermined the promising and widely supported program contained in the act.

Even though he is not on the floor now, I think it is a shame that a bureaucracy, a governmental agency, has undercut, undermined, the work of my colleague from Louisiana, Senator JOHNSTON, who has spent so much time on this legislation, as has MORRIS UDALL. It is a shame that a governmental agency has done such a disservice to the many people, Democrats and Republicans, who got together, as President Reagan said, and worked out this compromise. They have not let it work.

The demise, I repeat, of this highly touted national solution to nuclear waste quagmire is a chronicle of Federal agency mismanagement which has seriously undermined the promising and widely supported program contained in the act.

How Congress and how the Nation responds to this newest crisis, in this crisis-prone history of nuclear waste management, has wide-ranging implications, not only for the future of nuclear power in this country—nuclear power has a future in this country; there are a hundred nuclear reactors now producing nuclear energy—it is important for that, and also for the future relationships of State and Federal relationships. I think that is also something that it is important we have to recognize.

Mr. President, Congress, in putting the Nuclear Waste Policy Act together, recognized that the disposal of nuclear waste is an extremely complex problem. Going back again to Presi-

dent Reagan, almost 12 committees were involved. So it is complex.

It was a day for celebration in some people's minds when a fair process everyone thought had been developed.

I can remember in the House of Representatives a committee that I attended, chaired by Congressman MARKEY from Massachusetts. Congressman MARKEY and his subcommittee of the Energy and Commerce Committee in that body, were concerned about how they arrived at Texas, Washington, and Nevada. How did they do it? Do you know what they told Chairman MARKEY? They had thrown away, they had disposed of, they had destroyed, the working papers that led to the choice of these three sites. A multibillion-dollar project and the working papers were gone.

You can imagine, Mr. President, the rage. I should not perhaps use that term. But how upset Chairman MARKEY was.

We are going to talk about that in detail much later, how, as my colleague from Washington pointed out, they were fifth on the list. Suddenly they wind up in the top three. How did that happen? We will never know; the working papers are gone, they are destroyed. You can imagine that might happen transferring an employee, or you can imagine that might happen moving a piece of furniture from one Government office to the other. We are talking about a multibillion-dollar taxpayer expenditure and they do not have the working papers.

So Congress in putting the Nuclear Waste Policy Act together recognized that the disposal of nuclear waste is an extremely complex problem involving a high degree of public concern and skepticism and possessing the potential for a disturbing degree of Federal-State conflict.

We will develop this at greater length also, Mr. President, but if there are some States that think by this legislation they are off the hook, they have another thought coming. They better not bet the family income on it. States that think they are off the hook with this legislation are going to have some problems and we will develop that also at a subsequent time.

In legislating a solution, issues of equity, that is, who benefits from the nuclear power, versus who must shoulder the burden of waste disposal; scientific credibility, that is, how to assure that the disposal site selected will be technically capable of isolating the waste for thousands of years—and as my colleague from Nevada pointed out, we better start talking about how many years, because that is a problem, it is a serious problem—and politics, that is, how to keep political factors from taking over the site selection process——

Mr. HECHT. Will the Senator yield for a question?

Mr. REID. I will yield for a question on the condition that I do not lose the floor.

Mr. HECHT. Absolutely. I thank the distinguished Senator from Nevada. I feel in the best interest of our State we should set the record straight. I have tried to do this before because there is a misconception in Washington, in New York, and other areas that the creation of a special county in Nevada was an open invitation to a nuclear waste repository.

This is definitely not the situation, and the record should be straightened out because the legislature in its last night of deliberation, because of information known only to them, created a special county called Bullfrog County, taking away from Nye County in our State any possible funds from the U.S. Department of Energy for a repository. I think the record should show that this is not the will or the intent of the people of Nevada, and this is not an invitation from the people of Nevada that they wish to accept this repository.

I thank the distinguished Senator from Nevada for allowing me to clarify this very important point.

Mr. REID. Politics, as I mentioned before, that is, how to keep political factors from taking over the site selection process, were systematically and purposely dealt with in structuring the proposal as it moved through the congressional process. As one social scientist observed in 1984, the genius of the act is that it provides States with a substantive role in the repository siting mechanism without yielding Federal control over the final decision. The act achieves this end by creating a hybrid decisionmaking process that modifies the traditional vertical separation of State and Federal levels. The new mechanism formally recognizes an adversarial relationship that has long existed between the Department of Energy and potential host States. It assigns them similar authority in the final siting decision which will be made by Congress.

Prior to the act's passage in 1982, there had been a long history of unsuccessful attempts to find a way to deal with the Nation's highly radioactive and highly dangerous nuclear waste, attempts which called into question Federal agency motives and really competence and left a legacy of mistrust on the part of States and the public in general.

Mr. President, I might point out here that it is not a question of the State of Nevada. My statement is States, in the plural, a legacy of mistrust on the part of States, and the public in general. It is broader than the State of Nevada. This is not a problem of the State of Nevada versus the Department of Energy. It is a question of the State of Nevada and other States which feel they have not been treated properly. It affects the entire public, especially when we talk about the transportation corridors.

Then, as now, no State volunteered to host a high-level repository. This was especially true with regard to Western States which argued that Eastern States, within which most material is generated, should share a substantial part of the disposal burden. Congress recognized that it was both unwise and unfair to attempt to impose a repository on an unwilling State. It foresaw that there was too great a risk of delay in finding a qualified site if only a single site was considered because detailed studies might eventually reveal the site was not technically suitable.

Moreover, Members of Congress recognized that seeking to impose a site on a State would be politically unacceptable and would serve to reinforce and heighten public concerns about safety and would energize conflicts in State-Federal relationships that could spill over into areas beyond the nuclear waste siting issue.

Senator Henry "Scoop" Jackson, who I can put in the same context without any reservation as I did Chairman UDALL, a man respected in this body and in the other body, by Democrats and by Republicans, was a strong supporter of nuclear power. He noted during the Senate floor debate, "We must structure the legislation in a way to ensure that no individual States believe that they have been unfairly singled out as the site for a nuclear waste disposal facility."

Listen again, Mr. President, to what Henry "Scoop" Jackson said:

> We must structure the legislation in a way to ensure that no individual States believe that they have been unfairly singled out as the site for a nuclear waste disposal facility.

That has not come to be. His words have come to be prophetic; States feel they have been singled out. You heard Senator ADAMS, my friend from Washington, speak for 3 hours on how his State had been unfairly singled out.

Senator JAMES MCCLURE, who I see on the floor today, one of the nuclear industry's strongest backers I am advised, also stressed:

> We know that one repository is not going to be sufficient, nor should we ask that one State accept the burden of a repository. Otherwise, you will eventually get to the point where one State will perhaps feel it has indeed been wronged in this process.

Because no State or region wanted such a facility, Congress recognized that for any State eventually selected ever to be able to swallow hard and accept the site, the siting process would have to be fair to individual States and be regionally balanced, be highly credible, that is, carried out in an objective, scientific, and technically

sound manner without political or other bias and ensure, of course, that any final site chosen be demonstrably safe. We are going to spend a lot of time, and in more detail than what I talked about earlier today, on what the Nuclear Regulatory Commission said in their testimony before a subcommittee of the Environment and Public Works Committee only last week.

They also recognized as the licensing arm that the process by which a site is chosen is done properly. They do not want to be placed in the position of taxpayers having spent billions of dollars in one site having to be forced to license that site, which we would hope they would never do. And I have confidence they would never do it. They said they would never do that. But look at the pressure that places them under. Look at the reason we have the 1982 act which gave reasons for site characterizations of three different locations at least.

As I ended that sentence, "* * * and ensure that any final site chosen be demonstrably safe. To help ensure that the facts process would result in credible and acceptable sites, Congress provided a major oversight role for affected States and tried through active participation and consultation with DOE and the siting process." Congress provided that, but DOE did not follow that procedure. The State of Nevada and the other States had to fight, and are still fighting, for what they are entitled to under the law.

My next statement I have entitled—we heard what the law is and what the promise was—"The Promise Subverted." The Nuclear Waste Policy Act of 1982, of course, is not perfect. No one should have expected such pioneering legislation to be so. However, neither the Congress nor anyone else could have foreseen the injudicious manner in which the Department of Energy implemented the program from the beginning, from the get-go, from the start, the very beginning. It became apparent very early that DOE had ideas about implementing the law which would perpetuate past waste disposal difficulties and failures, and eventually lead to the unraveling of the essential principles and compromises embodied in the act.

The litany of problems in implementing the nuclear waste program is long, it is incriminating, and began with the very first decision that was made by DOE under the Nuclear Waste Policy Act. Rather than engaging in a truly national site screening program aimed at finding the best site for a nuclear waste repository, DOE proceeded to arbitrarily focus on only nine sites which had been under review prior to passage of the Nuclear Waste Policy Act. The department rationalized the exclusion of additional sites from consideration by arguing that the timeframes contained in the act precluded any new screening activities. In so doing it ignored Congress' explicit finding contained in the law itself.

> Federal efforts during the past 30 years to devise a permanent solution to the problems of civilian radioactive waste disposal have not been adequate.

I repeat, "have not been adequate."

Despite this clear and unambiguous language DOE chose to permit those same past efforts criticized by Congress that became the sole basis for a site selection under the Nuclear Waste Policy Act. I am going back again, Mr. President, to what the President of the United States said:

> It is a bill that is good for all groups because it is good for America. This legislation represents a milestone for progress and the ability of our domestic system to resolve a sophisticated and divisive issue.

Well, the sad part about that is that obviously DOE did not understand. They went back and continued with some of the things they had done in the past.

This language that I mentioned is clear. It is unambiguous. DOE chose to permit those same past efforts, I repeat, criticized by Congress, to become the sole basis for site selection under the Nuclear Waste Policy Act. It is incomprehensible that Congress would have enacted the Nuclear Waste Policy Act, let alone included language explicitly critical of prior DOE efforts, had it intended for the Department to merely continue ongoing site selection activities.

The foundation of the repository siting process was further undermined by the promulgation of siting guidelines which were fundamentally flawed in a number of important ways and contained features that permitted DOE to disregard the acts intended siting process, and continue solely with its pre-act site selection efforts. For example, the guidelines contain a presumption that a site is qualified until there is data which would clearly disqualify the site. This presumption works in tandem with another guideline concept that little or no disqualifying data must be gathered early in the siting process, thereby allowing inferior sites, which is reasonable, to be picked for characterization and making relatively poor sites appear good by comparison. It is only fair, is what it says.

Such a disordered process is open to all manner of manipulation and does not ensure that the best or safest available site is selected on the basis of valid comparisons. The guidelines also deviate from the act's expressed requirements in that DOE ignored important congressionally specified areas such as national transportation impacts, and the possible effect on repository construction and operation of activities occurring on nearby Federal lands from the site selection criteria.

In addition, they inappropriately permit DOE to make a preliminary determination of suitability at the time sites are recommended for characterization rather than after the site characterization, as provided in section 114(f) of the act.

I pointed out in my previous statement and the four or five lines previous to this that for them to do what they are doing—I am from my State, and I said it would be fair—would be totally unfair to follow this process. It is easy to see, just by reading the language, why it would not result in fairness.

The process by which the three preferred sites were recommended for characterization also demonstrates quite clearly how DOE has politicized the decisionmaking process in order to justify preselection of certain sites—preselection of certain sites. That is a term of art that we in Nevada, those people in Washington and those people in Texas have come to appreciate: Preselection of certain sites. In December of 1984 DOE issued draft environmental assessments which tentatively recommended locations at Yucca Mountain, NV, Hanford in the State of Washington, Deaf Smith County, TX, as first repository finalists.

These recommendations were in serious trouble from the very beginning because they were based upon flawed siting guidelines, environmental assessments which have subsequently been shown to be inadequate and interspersed with questionable data and conclusions and inadequate and contradicting ranking mythologies, various aspects of which were sharply criticized by many colleagues including the National Academy of Sciences.

In an effort to lend a semblance of credibility to the screening process DOE then developed a multiattribute utility analysis—that is a mouthful: multiattribute utility analysis, referred to as MUA's—ranking method and proceeded to apply this new approach to the available data on five nominated sites. Remember this is something that came up as an afterthought, something that came up a little bit later. It was not something that was part of the original guidelines.

(Mr. GRAHAM assumed the chair.)

Mr. REID. This time DOE characterized its ranking methodology as a decision aid tool that was not intended to result in a definitive hierarchical ordering of sites. This sleight of hand enabled DOE to recommend the same three sites for characterization even through the multiattribute utility analysis if followed strictly would have resulted in a recommendation of different sites. So even that they came

up with an afterthought, it still would have not allowed them to pick the sites that they did.

Following DOE's site characterization on May 28, 1986, the staffs of two U.S. House of Representatives subcommittees conducted an investigation into DOE's implementation of the MUA, multiattribute utility analysis.

Their report, issued on October 21, 1986, documents conclusively a substantial and pervasive bias in favor of selection of Yucca Mountain and Hanford and a politicization of the siting process.

So it is understandable why the Senator from Washington is concerned because two staffs of the U.S. House of Representatives subcommittee reported back that there was a substantial bias in favor of selection of Yucca Mountain and Hanford and that the siting process had been politicized. That is wrong.

In transmitting the report to the Secretary of Energy, the subcommittee cited "conclusive evidence, in many cases supported by DOE's own internal documents, which leads us to only one possible conclusion: DOE distorted and disregarded its own scientific analysis."

I think it is important, Mr. President, that I point out at this time that the statement I am working through, "Politics and Promises in Nuclear Waste Disposal: The View From Nevada," is something that has been prepared by the Governor of the State of Nevada, Richard Bryan. I want to make sure that he gets appropriate credit for much of the work done on this material.

Nevada's own limited review of certain DOE documents used by the House investigators as the basis for their report also reveals that cost estimates for each site under consideration were not based upon equivalent data, but were calculated to make the Yucca Mountain site appear less costly in comparison to the salt sites.

So, in effect, we not only have been affected unfairly once, twice, three times, but the State of Nevada has been treated unfairly numerous times, not the least of which was pointed out here by the staff investigators, who said that there was "a substantial and pervasive bias in favor of selection of Yucca Mountain and Hanford." Not only did they do that, but also, they calculated what they did at Yucca Mountain to appear less costly so the salt sites would not look as good. That is a report that was not made by somebody from the State of Nevada, someone who was hired as a consultant by the State of Nevada, paid for by the State of Nevada. These were two staffs from the House of Representatives who came up independently, on their own, with this information.

The subcommittee report documents clearly that DOE manipulated data—

That is a term of art—"manipulated data."

—weighting factors and analytic techniques to arrive at a predetermined set of sites.

The investigators concluded that—

A review of internal DOE documents strongly suggests that DOE had decided on three sites prior to completion of the methodology report, and then tailored the methodology to justify the final decision.

This is heavy stuff. A subcommittee report documents that DOE manipulated data. They weighted factors and analytic techniques to arrive at a predetermined conclusion.

The investigators concluded that "a review of internal DOE documents strongly suggests that DOE had decided on three sites prior to completion of the methodology report, and then tailored—

This is different from "manipulated" but it just as strong.

—tailored the methodology to justify the final decision.

Mr. President, I hope my colleagues and their staffs have the opportunity to hear this, to read this: "tailored the methodology to justify the final decision."

Then you wonder why the Senator from Washington stands and spends 3 hours on the Senate floor talking about how he feels the State of Washington has not been treated fairly. Why? This is an issue that is bigger than the State of Washington, bigger than the State of Nevada, larger than the State of Texas. Why? Because it has not been fair.

The State of Nevada has done a great deal for the security of this country, and we are proud of it. We support the national testing facility. That is not only the testing facility for the United States but also for the rest of the free world. Great Britain and other countries set off nuclear devices there. We are proud of the fact that we have the Nellis Air Force and Gunnery Range there, Indian Springs. We had at one time—it is not as large as it was—the largest naval ammunition depot in the world out in the middle of the desert. We are proud of that. It is still there, an Army ammunition depot. We are willing to give of ourselves for the national defense of this country.

We have now an outstanding facility that is growing rapidly at Fallon Naval Air Station. Most people believe it is the finest naval flight training facility in the world. We are glad to give this and more.

Nuclear waste, we say, "Stop!" Stop not only because it is not right that we get it, but the reason you are trying to give it to us has been manipulated; it has been tailored. They knew the score before they added it up. They looked at the score. We do not want it. They cheated. And then you think Nevada wants it? Whatever the price, we do not want it. The State of Nevada has been cheated.

If any State of the Union is manipulated, if certain things are tailored to come out with a result that should not be, it affects not 1 State of the 50 States; it affects all 50 States, because you are next. If the Department of Energy can do this to Nevada, Washington, and Texas, they can do it to any State on any issue. That is why Nevada fights this, and we are going to fight it to the very end, because it is unfair.

A report of a subcommittee of this Congress documents clearly that the Department of Energy—I do not like to say that; that is an agency of my Government—manipulated data, weighting factors and analytic techniques to arrive at a predetermined set of sites. They concluded that "a review of internal DOE documents strongly suggests"—it does not say "maybe"—"that DOE had decided on three sites prior to completion of the methodology report, and then tailored the methodology to justify the final decision."

That is not something I wrote and came to the Senate floor and read on nuclear waste. This is a subcommittee of Congress.

As if the ongoing controversy over the first repository site selection process was not destructive enough of the principles embodied in the NWPA, the Department appeared to cast aside all pretense of objectivity when it announced that the search for a second repository location was being suspended.

Listen to this: Why did they do it? Because they did not want three States on the floor of the Senate fighting what they had manipulated and tailored. They only wanted three. They did not want us to have any help. They did not want the other States, States that were called for under the Nuclear Waste Policy Act.

Why should the West take all this nuclear waste? Why should we take it all? Why should it be hauled thousands of miles across the highways and railways of this country, through big cities and little cities? Why should it be hauled? Why should it not be like the act said, like President Reagan said the act should be? That is a bill that is good for all these groups because it is good for America. Why did President Reagan say that? Because it is fair. What the committees have come up with is fair.

All we wanted is something that is fair. But, no, as if to rub salt in the wounds, they do away with the second site process. How does it make us feel? It feels we were already in the grave and you were dumping the dirt on it.

(Mr. WIRTH assumed the chair.)

Mr. REID. Now, talk about politicizing an issue they did it. If there were ever a more direct shot at making something political it is they are suddenly saying, "We are getting some criticism from this State and this

State and this State. Some of the States have a lot of people in them, a lot of Congressmen, some powerful Senators. Why do we not just eliminate them? That will be one less problem we will have to worry about."

Well, they were right on that issue. It relieved some of the political pressure but, as I said earlier in my remarks, those States better not rest easy. Those States better not rest easy under this proposed legislation. They better not think they are off the hook because they are not.

Reacting to what it viewed as a program in disarray and out of control, Congress, through the fiscal year 1987 budget appropriation process, imposed a 1-year moratorium on site-specific activities and directed DOE to take steps to rectify problems with the program. However, there has been an increasing awareness in Congress and among the various States that the waste program has already been so compromised—and the Department of Energy so entrenched in its approach—that expecting DOE to fix the effort is unrealistic.

I think that is a pretty good statement.

My next chapter, Mr. President, is entitled "The Seductive Quick Fix."

THE SEDUCTIVE QUICK FIX

As the repository program foundered followed the May 28 decisions and the subsequent budgetary moratorium, Congress began slowly to realize that something proactive would have to be done to salvage the effort. One proposal which gained favor quickly with several influential Senators involved modifying the Nuclear Waste Policy Act to require DOE to proceed to characterize only one of the three sites identified on May 28, and to focus all efforts on developing that site, which is assumed to be Yucca Mountain in Nevada, as the sole repository location.

However, Mr. President, if you talk to people from Texas, they will tell you that they are the site. If you talk to people from Washington some of them will tell you they think they are the repository location. But many have said that Yucca Mountain in Nevada is a sole repository location in the minds of these forces who are trying to move this legislation. That is in spite of the fact no one has talked about it at any great length today. That is in spite of the fact not only are we talking about putting a high-level nuclear waste repository burying it in the ground. It is going to be next to a nuclear weapons testing facility. I do not mean 100 miles away. I mean next door, adjoining, adjacent, outside this wall.

Do you think a high-level nuclear waste repository is going to get jangled much when a nuclear bomb is set off? I think so.

Do you think the Department of Defense and the Department of the Air Force have a right to complain? The obvious answer is "Yes."

Well, anyway, some people are saying that it is going to be Yucca Mountain. To make the characterization decision more palatable, a package of incentives was included in the proposal. Supporters of this approach readily acknowledge that the Department of Energy's implementation of the Nuclear Waste Policy Act to date has been disastrous. Rather than proceeding from the more logical premise that the way to fix the program is to mandate a return to the frame work prescribed by the act but abandoned by DOE, the proponents of the quick fix approach engaged in a substantial feat of logical or maybe we are better off calling it illogical gymnastics by suggesting that it is the Nuclear Waste Policy Act, not DOE, which is to blame for the current sad state of affairs. I dare anyone to suggest that to Chairman MORRIS UDALL. The act, they contend, is simply too complex and unworkable, and DOE cannot really be blamed for not living up to its provisions. The solution given this view of reality, lies in simply accepting DOE's technical data for each of the three sites as being adequate and indicative of acceptable and safe locations and endorsing the post-Nuclear Waste Policy Act actions and decisions of the Department which led to the identification of preferred sites—and to the present sorry state of the waste disposal program.

At best, this proposed fix is reflective of a seriously incomplete understanding of the problems confronting the high-level nuclear waste disposal program today. At worst, it can be seen as indicative of a disturbing naivete, a disregard for the principles of scientific objectivity, and an implied acceptance of national nuclear waste policymaking which is governed solely by the exigencies of short-term parochial political expediency. The proposal exudes a thinly disguised contempt for the type of public involvement and democratic decisionmaking which Congress so carefully institutionalized in the Nuclear Waste Policy Act. It also serves to fan the flames of regionalism and relegates the technical aspects of site selection to the secondary status far behind political and ease of siting considerations.

The framers of the Nuclear Waste Policy Act realized that in order for any State ever to be able to accept a repository, a situation must be created whereby the leaders and citizens in that State are able to see and believe that the site selected was the product of an impeccable scientific objective screening process. No amount of compensation or Federal incentives could ever substitute for safety and technical suitability, and I might add, fairness in the site selection process. The Nuclear Waste Policy Act was crafted to assure that this level of confidence could in fact be achieved.

Mr. President, continuing with the chapter in my statement here that I have referred to as the seductive quick fix, the problem facing the nuclear waste disposal program today is not, as many would have us believe, the result of the inherent self-destructive flaws in the Nuclear Waste Policy Act established frame work for identifying repository sites. Admittedly, the siting process is described in the act as complicated, but so is the problem being addressed, and so is the American political system within which this problem must be resolved.

As one member of the National Academy of Sciences' Panel on Social and Economic Effects of Nuclear Waste in America put it:

> In the United States, it is not enough merely to reach the right decision. It must be reached by the right processes, as well.

That is a powerful statement. It is a powerful statement from the people of the State of Nevada who have given so much and all they want is to be treated fairly and in this instance they were not.

Why not Nevada? Although disturbing, it is not surprising or novel that Eastern journalists and legislators seeing the Nation's nuclear waste program on the verge of collapse should seek an answer that misrepresents both the problem and the solution. After all, if Nevadans can accommodate nuclear testing, why should they object to a repository? Is not Nevada largely comprised of barren expanses of deserts and mountain ranges? Does not the State have extremely favorable, that is low, population density for activities of this type?

In short, why not Nevada?

Mr. President, I had the good fortune this summer, during our August recess, to travel to one of the most beautiful places in the world, a place in Nevada, one of the many beautiful places in Nevada, but this was the dedication of the Great Basin National Park, an area that has on it the oldest living things in North America, the oldest living things in the world, bristlecone pines, 4,000- to 5,000-year-old glaciers, mountain mahogany, wildlife in abundance, lakes, a beautiful place. This was the dedication of the first national park on the continent of the United States in 15 years and, according to Mr. Mott, the director of the Park Service, perhaps even the last national park that the United States will ever have.

I mention this only to indicate that this is only one beautiful spot in Nevada. We have numerous beautiful places in the State of Nevada. The State of Nevada is a series of intersecting mountain ranges. Wheeler Peak in

the Great Basin National Park is over 13,000 feet high. We have other mountain ranges. Wheeler Peak is not the highest mountain in Nevada.

So anyone that says that Nevada is barren and not a beautiful place, they have not been to Nevada.

So, despite what some perceive as advantages for nuclear waste disposal, the fact is that Yucca Mountain is not a good location for a repository.

We have talked about some of the reasons here today. To conclude otherwise, it is necessary to accept DOE's overly optimistic assessment of the geohydrologic environment of Yucca Mountain, something that is very difficult to do without that all important ingredient for good fiction: a conscious suspension of disbelief.

There are, in fact, major features of Yucca Mountain which, under the DOE's own siting guidelines, could disqualify and perhaps should disqualify the site based on reasonable conservation interpretations of available data, including the potential for large-scale earthquakes, fault movement, renewed volcanoes, rapid ground water movement—and this one we have talked about already—atomic energy defense activities at the test site—and remember, the test site is not a long ways away; it is next door—which could, of course, conflict with repository activities; potential degradation of ground water; problems with structural characteristics of tuff rock at high temperatures; and potential for mineral resources, gold or silver, some even say, at the site.

There is no question that there is substantial evidence to show that there is volcanic activity in the region surrounding Yucca Mountain, the earthquakes and volcanoes.

For example, they even ran one in National Geographic which cites the problems that can occur there because of volcanoes and earthquakes.

One of DOE's documents uncovered by the House subcommittee—that is, one they did not destroy—confirms what Nevada scientists have been saying all along. In a chapter which was purposely deleted from DOE's site recommendation report, the Department's staff concluded:

> Based on this review of potentially adverse conditions with closely associated disqualifying conditions that may introduce contention and potential delay, the Davis Canyon site in Utah and the Yucca Mountain site appear to be the least favorable sites.

Well, Utah won; we lost. Even though we were, by the staff's own report, the least favorable, Yucca Mountain made it, anyway.

One of the few things in recent years Utah has ever beaten Nevada in, I might add.

Mr. President, when evaluated in relation to the other eight preselected sites which DOE considered in the limited screening effort that was undertaken, Yucca Mountain would have rated very low on the list were it not for the fact that the department used a self-imposed requirement for characterizing sites of three different rock types as a prime criteria for selecting sites. Since Yucca Mountain was the only tuff site and Hanford was the only basalt site and since all the remaining sites were located in the salt formations, both Hanford and Yucca were guaranteed to be selected among the top sites. There was no way you could avoid them using these methods that were prearranged.

When evaluated against long-term waste isolation criteria, both nonsalt sites rate well below all six of the salt locations.

A dramatic example of this is the performance of the Nevada and Washington sites compared to DOE's other preferred sites and their relation to crucial health and safety standards.

DOE's own working papers for the draft concluded that a Yucca Mountain repository would result in over 10 times as many cancer deaths as any salt location. Their own working papers.

That Yucca Mountain repository would result in over 10 times as many cancer deaths as any of the salt locations.

The Hanford site was estimated to result in more than 20 times as many fatalities as the nearest potential salt repository. Those are staggering statistics. Then you wonder why the people of the State of Washington and the people of the State of Nevada are concerned, when the DOE in their own papers that we have been able to get our hands on come out with information like this.

Mr. President, the simple fact is that Yucca Mountain would never have seriously been considered as a location were it not for the presence of the Nevada test site to the east, next door. The fact that not a single other tuff site anywhere in the country was even investigated stands as mute testimony to the questionable nature of arguments which extol the virtues of this geologic environment.

Quite apart from the apparent misrepresentations of the technical merits of the Yucca Mountain site, there has been a more subtle, yet pervasive, misrepresentation occurring which serves to further rationalize locating a repository in Nevada. The argument made in this regard suggests that since Yucca Mountain is on the Nevada test site which is already so contaminated by both above- and below-ground atomic tests, additional radioactivity in the form of spent fuel will make little difference.

The fact is that all but a small fraction of the Yucca Valley is located outside of the western boundary of the Nevada test site. None of the area for waste disposal is located on the test site. Yucca Mountain is not and never has been contaminated by weapons testing nor is the area around the site a desolate, barren wasteland known for little else besides the jackrabbits and mushroom clouds. It overlooks the community of Amargosa Valley. It sits atop two aquifers, a shallow one that provides water for the Amargosa Valley as well as the Nevada test site, and a deep carbonatic aquifer that represents a potential water source for the valley and expanded population and industrial activities throughout southern Nevada.

I have talked a little bit about the beauty of our new national park, Mr. President, but we have all heard of the oasis in the desert. I am just referring to an oasis in the desert. Amargosa Valley, water gushing out of the ground. They grow cotton. They grow things in that area.

I might add here, Mr. President, that this is an extremely important thing for southern Nevada. Approximately 60 percent of the people in the State of Nevada live in the greater Las Vegas Valley. We are fortunate that we have had the benefit of the Colorado River. But that cannot go on forever. We are limited in how much water we can take out of that. There have been arrangements made with Arizona, with Utah, with California, and the water has all been allocated out of that little mighty river.

So we need to look for other sources to satisfy the needs of the hundreds of thousands of people that now live in that desert valley. It would be a shame to, in any manner, destroy or damage or harm or put in jeopardy that water that we know is there but needs to be developed, in this deep, carbonate aquifer.

The argument that radiation already in the ground at the Nevada test site, as a result of bomb tests, somehow justifies importing the additional radioactive poison contained in the spent fuel and high-level waste to be disposed of in a respository is spurious. Analysis of weapons-testing radiation in comparison to the Curie-equivalent of radioactivity in a respository indicates it would require more than 2.3 million explosions of nuclear devices yielding 18.6 kilotons each, that is the size of the weapons dropped on Japan, to produce the same fission inventory as the 70,000 metric tons of spent nuclear fuel that are ready to be hauled, ready to be transported across this great country through the towns and cities and farms to this site; unknown in the West, to bury this poison.

While weapons testing may be more dramatic, it poses nowhere near the threat of subterranean contamination that a repository does.

Nevada is one of the fastest-growing States in the Nation and southern Nevada is developing at a very, very

rapid pace. Given the questionable geohydrologic conditions at Yucca Mountain, it is possible that a breach in the integrity of the repository during the next 50, 100, 500 or more years could do much more than contaminate a few acres of barren desert. Such an occurrence could, by fouling the aquifers, hinder or prevent continued growth in economic development, diversification in southern Nevada by impairing the lifeblood of such progress in the West: potable water.

For Nevada the proposed repository represents more than a short-term problem. It stands as a long-term threat to the future well being of a dynamic and growing area.

A final misrepresentation that serves to rationalize the location of a repository at Yucca Mountain is the contention that such a facility would actually benefit Nevada by helping to promote economic development of a kind that is especially well suited to the State. This argument draws upon the subtle but pervasive prejudice about Nevada and its economy.

Everyone knows that Nevada is heavily dependent upon a thriving tourism industry for its economic well-being. The fact that gaming plays a major role in that industry appears to have led some to believe that we Nevadans must somehow be rescued from ourselves; and that the proposed repository offered a kind of economic salvation that can become the basis of a gaming-free existence.

(Mr. DIXON assumed the Chair.)

Mr. REID. Mr. President, Nevada's economy, like its rugged and majestic landscape, is unique. It is an economy supremely adapted to existing conditions. It has served the State, and it has served the State well. Nevadans recognize, nevertheless, that continued economic diversification is needed and efforts are ongoing in this regard. To suggest, however, that a nuclear waste repository will be the panacea of economic and industrial benefits is naive at very best. At most, such facility, by DOE's estimates, would, during the construction phase, employ less than 2,000 workers during peak construction, and after the facility is constructed maybe 120, maybe 180. But, really, nobody. It is not a job-creating project. If it is, let somebody else take it. We do not need 180 jobs.

In short, the economic benefits of the repository will be minimal and may not even offset the cost to local and State governments in terms of these services and facilities.

Because Nevada's economy relies so heavily on attracting visitors from other States and countries, and because our present economic development activities are beginning to bear fruit, the State is, and will continue to be for the foreseeable future, extremely vulnerable with regard to certain possible effects of the repository.

A 1985 study conducted by the University of Tennessee Center for Business and Economic Research was relative to the potential impact of a proposed MRS. Everybody understands there is going to be an MRS, there is going to be a monitored retrievable storage facility. Anyone who thinks with this legislation attached to this appropriations bill that somehow the MRS is going to disappear in thin air, the need for it, that will not happen. There is going to be an MRS and there will be one quickly.

The 1985 study conducted by the University of Tennessee contains results which are especially disturbing. Especially disturbing for everybody, but especially disturbing for Nevadans. In a survey of 306 randomly selected out-of-State individuals, over 47 percent said that they would alter previously set vacation plans if they later learned that their vacation site was located near an MRS.

Everyone listen.

Forty-seven percent said they would alter their previously set vacation plans if they later learned that their vacation site was located near an MRS. If they would alter their previously set vacation plans, think what it would be for planning in the future. They would never do it. If you are willing to interrupt something you have already planned, almost half of the people, certainly those people planning for the future would be almost nonexistent.

Of those who indicated they would alter plans, over half said they would still change them even if the facility were 100 miles away from their destination, and over two-thirds said they would change plans if the facility were 50 miles away. The same study looked at the possible impact on economic development.

Mr. President, I point out here another sidebar. We are talking about an MRS facility, and the same applies, of course, to a high-level nuclear waste permanent facility. But, regardless, of the 130 business executives interviewed, 55 percent indicated that an MRS would reduce their willingness to locate a business in a county that contained an MRS facility. When one considers the tourist-generated revenue account for much of the tax base in Navada and tourist-related industries are the State's largest employer, any reduction in visitors could have a catastrophic consequence.

Mr. President, in one of my former lives I was Lieutenant Governor of the State of Nevada. I had the good fortune to serve with a man named Michael Callahan, a two-term Governor of Nevada. I had a number of assignments. I can remember one of them was during the era of Howard Hughes. One of my responsibilities, which took a great deal of my time, was to arrange a meeting between Howard Hughes and the Governor of the State of Nevada. I flew all over the country secretly meeting with his inner circle of people who kept him on a day-to-day basis, people who fed him, who helped clothe him, who read his notes, who took his instructions.

We set that meeting up after a long time. The Governor met with Howard Hughes in London, England, the only person I know of in the last 10 years of Howard Hughes' life to see him. That took a lot of my time.

But, Mr. President, I spent more time on promoting tourism by far than I did any other assignment I had as a Lieutenant Governor. I had a number of speeches that I gave.

You know, Nevada is the entertainment capitol of the world and the convention capitol of the world. I have spoken to hundreds of thousands of people, welcoming them to the State of Nevada. I told them about Virginia City, that great Civil War town that helped finance the Union's effort during the Civil War. I would tell them about what a great place Virginia City is to visit, a place where they did not want outside people to come.

The original people who discovered Virginia City, and found that there were minerals in the ground, were mad because this black mud kept fouling their panning. They were so upset. They wanted gold. They did not want this black stuff, which turned out to be the richest silver ever discovered in the world.

So after the Comstock was discovered, they found that it was difficult to go into this ground. Why? Because it was not like any other ground that had been mined anyplace in the world, because not only would it cave in, and we from mining country know how cave-ins take place, but they would come back to their diggings in the morning and they would be twisted, almost like a convulsion had taken place.

How could they stop it? They went to Germany and a man by the name of Denasher developed an underground twister, to twist the timbers so they could keep their hole.

They had other problems. They got down into water and found that water was a problem, which was a problem even in the beginning ages of machines, where they had pumps to pump it out, most of it. In these diggings, they had steaming hot water, almost to the point of boiling water. People could not stand to be down there for more than 15 or 20 minutes at a time. They would haul ice from Lake Tahoe. The water was so hot you could not drink it. It was not potable.

What were they going to do for water?

The genius of the American mind developed the longest siphon in the history of the world, some 30-odd

miles long. The siphon is still in existence. It siphoned water from Lake Tahoe to Virginia City to supply them with water.

I would tell them about the other great features of the State of Nevada. Lake Tahoe, beautiful Lake Tahoe, an Alpine glacial lake that we share with California, a beautiful lake. I am advised there is only one other lake like Lake Tahoe in the whole world, and that is in the Soviet Union.

I would tell people to come and see this beautiful lake. I would tell them about the bright lights of Las Vegas and Reno. I would explain that the last bank robbery that Butch Cassidy performed was in Nevada, in Winnemucca. After that, he skipped out and went to South America.

The State of Nevada is wealthy with things to bring people to the State. I have, Mr. President, only talked about a few things. I have talked about Virginia City. I have talked about Lake Tahoe. I have talked about Las Vegas. I have talked about Reno. I have talked about our national park. I have talked about Winnemucca. But we are a tourist oriented economy. Anything that affects a tourist oriented economy affects Nevada, and so when you look at the University of Tennessee study, it gives great concern to Nevada.

I harken back to my days as Lieutenant Governor. I would not want to have to tell the people who came to the State, those few that would continue to come, "Don't worry about this high-level nuclear waste repository." But I add, Mr. President, that if they bring this repository to Washington, Nevada, or Texas—let us assume they bring it to Texas or to Washington. I am still going to be worried for the people of this country because that 70,000 metric tons we have already has to be hauled on the highways and streets of this country. It is scary.

But it is really confirmed by the University of Tennessee study, on MRS, what it would do to tourism. It would have catastrophic consequences.

If a repository or a repository-related accident caused tourism to decline even by a few percentage points, the State would be facing a significant downturn.

I have heard all the arguments. I have looked at the studies, I have watched the pictures they have shown. DOE has this movie which shows a truck with some nuclear waste barrels on it, casks, they run it into a wall and they bounce out and they say, "Hey, none of it came out. Ain't that great. So if driving down our highways two trucks run into each other, don't worry about it."

Well, Mr. President, I do worry about it. I worry about it for a lot of reasons.

I reflected back to my days as Lieutenant Governor. I am going to reflect back for a few minutes to when I was a little boy, growing up in a little mining town in the southern tip of the State of Nevada called Searchlight. My dad was a hard rock miner. I can remember as a little boy being so excited on getting up early in the morning while it was still dark so we could go out and watch the atomic bombs go off.

Now, Searchlight was located some 55 miles southeast of Las Vegas. We had 55 miles protecting us that Las Vegas did not. The site was located probably 70 miles from Las Vegas.

But I was one of the lucky ones to watch those atmospheric tests go off. Why? Because the winds did not blow our way. The winds blew the other way. They blew into southern Utah. And what did those clouds of radioactive ash do? Killed people. The highest incidence of cancer in the United States is in southern Utah, towns like Hurricane, St. George, Enterprise, Gunlock. Those are the people who suffered. And so when I am told, "Senator, watch this movie and we will have a truck run into the wall and the casks will fall off, and see, nothing happens, you are OK, aren't you," no, I am not relieved at all because I know what happened to people who with good intention, because the Federal Government told them it was OK, watched the bombs go off.

I know what has happened with nuclear waste in addition to what has happened with the atmospheric tests where the Government says you are OK, do not worry. They told us things would be OK in Savannah River, in New York, Maxey Flats. Those areas are damaged. People relied on the Government to their detriment. States relied on the Government to their detriment. They are still trying to clean up the mess. The States do not have the power, the money, to clean up those messes. I wish I had a different word to use because they are worse than messes—tanks leaking. Leaking what? High level nuclear poison.

So when someone tells me, "Don't worry, everything is OK," and we have incident after incident after incident where we know it is not OK, when the Government said it was OK, we are in trouble. So we certainly cannot rely on this.

Any impact on the willingness of new businesses to locate in Nevada would be a severe blow to the State's economic diversification efforts. Far from being an advantage to a State like Nevada, the proposed repository has a potential for significant and long-term damage to the State's economy and the very future of the State.

This is true for Nevada. It is true for Washington. It is true for Texas.

At first glance, looking at the three sites that have been selected, you would probably say that Washington and Nevada—maybe in inverse order, maybe Nevada and Washington—are the two sites out of the three that would be looked to initially. But Texas, do not bet on it. The DOE has done nothing rationally to this point and I see no reason that they start now. Look at the site they selected for Texas—in one of the greatest agricultural areas in the world, water running underground. They are pumping this water for hundreds and hundreds of miles serving some of the richest farm land in the entire world. So Texas, do not rest on your laurels. Do not think it is not going to come to Texas.

But like several other States, Mr. President, Nevada is unique in another way that has or should have important implications for respository site selection.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question.

Mr. JOHNSTON. Yes, for a question.

Mr. REID. Without losing the floor, if it is a short question.

Mr. JOHNSTON. Did the Senator say that he thinks this might go to Texas?

Mr. REID. Well, I hope that my friend from Louisiana would recognize that Texas is one of the three sites that has been selected for characterization and if the DOE does its job under the terms of the 1982 act, of course, they are going to be digging a hole there and doing the things that they should have done.

There are some who say, however, that the reason Texas was selected by this phony process that the DOE used was to make it so it would be a shot between Washington and Nevada. There are some—and I said that in my statement—who say Texas is in the running, but if that is the case then the DOE has really politicized this, so I hope that answers the question.

Mr. JOHNSTON. If the Senator will further yield.

Mr. REID. Under the same condition.

Mr. JOHNSTON. Yes. That is understood. I just wanted the record to show that all the articles from Nevada which say this is a dump on Nevada bill, that it is all set for Nevada, there is no further question but to put it in Nevada, the Senator in effect disagrees with those articles and thinks that there is in fact a decision to be made between the three sites as to where to characterize it.

Mr. REID. I would state to my friend from Louisiana that I am aware of the statements by Members of the Senate, Members of the House. In fact, even though I have gotten credit for it, I did not develop the term, but I have gotten credit for it anyway. This amendment on this appropriations bill is termed in Nevada as the "Screw

Nevada bill." I did not give it that name, but I have gotten credit for it.

So there are Senators in this Chamber and Members in the other body who think it is preset that it would go to Nevada.

I am giving arguments here which if the Department of Energy is as unrealistic and as irrational as they have been in the past, no one better rest on their laurels because the Department of Energy could do anything out of the ordinary that they want to. But I would answer the question as I have.

Mr. President, like several other Western States, Nevada is unique in another way that has or should have important implications for repository site selection. A vast majority of the land in Nevada, in fact about 87 percent of it, is public land administered by the Federal Government. Eighty-seven percent of the land in the State of Nevada is administered by the Federal Government. Only 13 percent of it is State owned or privately owned.

This largely unused open terrain constitutes vital natural resources every bit as important as the country's mineral, oil, and other natural resources. Nevada's public lands represent a legacy of the Nation to future generations. They provided vital treasure, vital reserves for growth and recreation as well as for future defense and other activities. Like any other important resource, though, Mr. President, Nevada's lands require proper management and adequate planning for present and future utilization. To date, however, there has been no attempt to study how this land, this resource, can best be used to the benefit of present and future generations; that is, to the benefit of the future generations of Nevadans but also Americans. This land, this 87 percent, is for the use of not only the people of the State of Nevada, but there may be uses developed that everyone can benefit from.

I think it is also important to mention that what I am talking about is not pie in the sky. Mr. President, there really are treasures in that ground. If the State of Nevada were a country, which it is not, it would be the, I think, sixth or seventh largest producer of gold in the world. We are the largest producer of gold in the United States. We produce lots of gold and there is gold "in them thar hills." There is gold. They are finding it all the time. They do not find it the way they used to when my father would go prospecting. He would take his little pan with him or if he did not, he would bring samples home and mark where he got them and he would pound up the rock and he would get some water and pan it out to see if there was any color in it. We do not have to do that any more in Nevada. We are able now through modern scientific processes to refine gold where you cannot see it when you pan it. It is microscopic gold. That is where the gold now comes from. The millions of ounces of gold that come out of Nevada each year are microscopic.

So this resource about which I speak is an important one only for the people of the State of Nevada, but it is important for this country because being a mineral producer is important. One of the real problems we have in this country, and there have been numerous people speak on the Senate floor, my colleagues have spoken about this over the months and years—we do not have an energy policy. Well, that is fine. People talked about that a lot. But just as serious, we do not have a mineral policy. We are doing nothing to develop the minerals of this country. We need to do that. We need to do more in exploration. We need to do more in synthetic development of materials that we are now importing, hurting our balance of trade, from the Soviet Union, from South Africa, from other countries.

So before more land is contaminated or otherwise irrevocably taken out of the resource pool it is crucial that an available resource measurement plan be developed and that this type of forward-looking initiative take place before any additional irreversible decisions such as siting of a nuclear waste repository are made. These are things that should have been taken into consideration. You put all these things together that I talked about in the past—and I have more to talk about in the future—but put all of these together, Mr. President, with how DOE has basically messed up the process, it creates to me a longstanding suspicion as to what really is being done in nuclear waste and what they want to do with nuclear waste.

The environmentalist dilemma is another chapter that I want to talk about because you do not want to win the battle and lose the war. As the debate over how to fix the Nation's nuclear waste program intensifies, and it surely will in the months ahead and as pressures mount to find easy and expedient solutions which the precarious predicament of DOE's mismanagement has created, organizations and individuals concerned with the environmental consequences of waste management may find themselves in a somewhat paradoxical situation. On the one hand, the need to find a safe permanent disposal site for spent fuel and other forms of high-level waste now stored temporarily around the country. Some of it within large metropolitan areas requires some would argue an expeditious resumption of the stalled waste program.

On the other hand with a solution which abdicates the careful, technically driven site selection embodied in the Nuclear Waste Policy Act, Mr. President, I think it is important to go back and talk again about the date of January 7, 1983, where the President of the United States said with the best intentions: "Almost a dozen congressional committees were involved in this legislation, but with bipartisan support and cooperation from industry, labor, and environmental groups we managed to get through the process. It is a bill—the President is still speaking—"that is good for all these groups because it is good for America. This legislation represents a milestone for progress and the ability of our democratic system to resolve the sophisticated and divisive issue."

That is what the President said.

And if we look at what has happened, the President's words were thrown away. His good intentions were thrown aside. That is to bad because as the debate over how to fix the Nation's nuclear waste program intensifies, I am reminded, I have to go back, I have to reflect upon the words the President of the United States in saying I cannot believe it. It worked out. I am sure at that time Mo, Chairman UDALL, who had spent so much time on this was really happy with the accomplishments that had been made. I am sure my friend from Louisiana, who worked very hard on this issue up to that time and since that time, was very happy at the statement the President had made and the progress that everybody agreed had taken place. But it was all thrown aside.

As the debate will intensify in the months and maybe even years ahead and as pressures mount to find easy and expedient solutions to the precarious predicament of DOE's mismanagement has created, organizations and individuals concerned with the environmental consequences of waste management may find themselves in an awkward situation. On the one hand the need to find a safe, permanent disposable site of spent fuel and other forms of high-level waste now stored temporarily around the country. Some of it within large metropolitan areas requires some would argue resumption of the stalled waste program. On the other hand, a solution abdicates the careful technically driven site selection process embodied in the Nuclear Waste Policy Act in favor of a more expedient approach that essentially requires selection of only one technically questionable location could in the long run result in far greater delays and even a complete collapse of the entire program. My friend from the State of Washington, I think, did an outstanding job of talking about that.

And I think more needs to be said about that as we proceed with this discussion because certainly you do not want the whole program to collapse. If you just pick one site, you are in for trouble and the pressure that it puts

on many other governmental agencies, not the least of which is the Nuclear Regulatory Commission, is unbelievable.

In addition, environmental organizations may well be drawn into the regional battle which is taking shape which is an East-West confrontation revolving around the issue of equity and nuclear power.

The battle which was won with the passage of the Nuclear Waste Policy Act unfortunately did not signal victory in the war. Unless there is a serious and concerted effort to reinforce the principles and compromises contained in the act, it is very possible that the guerrilla war which the DOE has waged against the Nuclear Waste Policy Act since 1983 will negate the victory which the act represents.

Much has been made during the past few years of the alteration in the Federal-State relationship known as new federalism. Perhaps no single piece of legislation epitomizes better the promise of this principle in cooperative Federal-State problem-solving than the Nuclear Waste Policy Act of 1982. You heard what President Reagan had to say about that. He was saying what had taken years to say. Basically, he was saying, "Good work. This is part of the democratic process at its best. You have resolved a sophisticated and divisive issue."

At that time, no single piece of legislation put the concept more to the test.

When the Nuclear Waste Policy Act was being debated in the U.S. Senate, two complementary principles which bear directly on the nature of the Federal-State interaction were considered to be of predominant importance. The Senate committee report notes that one principle is that a State or Indian tribe should be entitled to the rights and opportunities to participate but that no such State or Indian tribe will possess the right, through this or any other Federal or State legislation, to exercise an absolute veto over any aspect of the planning, site development, construction, or operation covered by the act.

A second principle is that affected States and Indian tribes should be treated equally.

As long as these two principles function in tandem, a workable solution to the waste disposal problem seemed to be within reach. However, my friend from Washington and I have tried during the last few hours to describe the manner in which DOE has ignored the law in both of these concepts.

We recognize the need for a solution to the nuclear waste problem, and we support a fair and comprehensive scientifically based process for identifying the safest and best repository sites. However, we will oppose any solution—and I put this in the context of "we"—we, the State of Nevada, because we join arms in this. This is not partisan. This is an area where there can be no partisanship, and there should not be. We will oppose any solution which attempts to legitimize the siting decisions arrived at to date by the U.S. Department of Energy.

Gov. Richard Riley of South Carolina made a prophetic statement back in 1982 when he stated that a process of decisionmaking with regard to nuclear waste disposal must be established that will allow us to have confidence in the results of that process. He said there will be uncertainties, no matter what the decisions are, and only confidence in the process which leads to these decisions will enable us as a society to live with those remaining uncertainties.

Mr. President, the statement made by Governor Riley is what we are talking about today. That is what Senator ADAMS, Senator HECHT, and I have been talking about.

The Nuclear Waste Policy Act remains the best hope of the Nation for solving the nuclear waste problem. There is an urgent need for leadership that is willing to examine carefully how the program has come to its current sorry state and make appropriate midcourse corrections which will return the effort to the goal set forth in the act.

The subjective nature of the guidelines certainly allows continuation of the predetermination, and the subjective application of guidelines seems clearly intended to ratify the predetermination selection of Yucca Mountain. Other evidence of this predetermination exists outside of the draft environmental assessment.

According to the draft statement of DOE, screening of sites in basalt and tuff were intiated when DOE began to search for suitable repository sites on Federal lands on which radioactive materials were already present. The approach was recommended by the Comptroller General of the United States in 1979. The Comptroller General's report recommended screening of the Federal reservations—Hanford, WA; the Nevada test site; Idaho Falls, ID; and Savannah River, SC—to determine if geologically suitable sites could be found on those reservations. The report pointed out that several of them contained quantities of high-level waste, requiring disposal.

Moving this waste to another location for permanent disposal was considered to be questionable from a safety standpoint.

In the final analysis, the Comptroller General recommended that DOE examine such reservations for four reasons.

First, the lands are already highly contaminated. We have already discussed that at some length.

Second, these sites contain significant quantities of high-level waste needing disposal.

Third, there is a high degree of public and political acceptance for using such reservations for nuclear purposes.

And, fourth, DOE already owns or controls the land.

Yucca Mountain does not appear to qualify under any of these conditions. It is not located on the Nevada test site and even according to DOE it is not contaminated. The Nevada test site does not contain not has it ever contained any quantities of high-level waste requiring disposal, although portions of the site are contaminated as a result of other nuclear activities.

There is not a high degree of public or political acceptance of the proposal to store nuclear waste at the Nevada test site.

It has not been brought up today, Mr. President, but I will deviate a little from my remarks to indicate to this body that Nevada does not produce high-level nuclear waste. We do not produce any commercial nuclear waste, not 1 ounce of it. But yet we are being asked to accept maybe 70,000 metric tons.

In fairness, should not those States that produce nuclear waste have to deal with this at least on a partial basis? That is where we came in under the 1982 act with the second round sites—again fairness.

Finally, DOE does not own or control the land in which Yucca Mountain is situated. In fact, it will take an act of Congress to withdraw the land from the public domain. Even though 87 percent of the land is federally controlled, it will take an act of Congress to allow Yucca Mountain to become high-level repository.

Moreover, DOE has completely failed to consider the extent to which the repository Yucca Mountain has a negative impact on the future weapons testing of the test site.

Mr. President, we have talked about negative impact with tourism and there is a lot more to be said about that. We have talked about the negative impact from the Department of Defense standpoint with the Nellis gunnery range. But we have not talked about how it will impact upon the nuclear test facility on future weapons testing programs.

Understand also, as I am sure the President does, and I am sure other Members of this body understand, there are things going on at that test site other than the setting off of atomic weapons that are of crucial importance to this Nation. Should not they be taken into consideration? They have not been.

The fact is that the search for the prospective repository site was geographically limited to the southwest-

ern portion of the Nevada test site away from the areas subject to the incompatibility of the two programs.

Let us talk about this a little more. Recognizing that there would be a problem with having the Nevada testing facilities next to the repository, what DOE said was we will fix that, we will only look at areas away from where the weapons are set off. They recognized the two are not compatible.

The importance of the weapons testing program to the national security and the economic well-being of Nevada should not be jeopardized by the prejudgment of the Department of Energy in selecting a site for the nuclear waste repository.

DOE implementation of the recommendations contained in the Comptroller General's report and the subsequent identification of Yucca Mountain and Hanford as the only potential acceptable sites, raises several important questions that bear directly on the validity of the entire screening process.

There is no discussion in the draft or elsewhere as to why the Idaho Falls or Savannah River reservations were not screened for potential repository locations. Both areas clearly fall within the parameters established by the Comptroller General.

If existing land use was a primary consideration in the selection of sites in Washington and Nevada, it should have been an equally compelling reason to closely examine Idaho and South Carolina.

Another question continues to obscure DOE's logic and following the Comptroller General's recommendation involves the rationale for looking at Yucca Mountain in the first place.

Given the limitations in the report, why did DOE move off the Nevada test site in its search for possible repository locations? That is an interesting question that has not been answered.

The Comptroller General in 1979 in that report implies that DOE may have been under considerable pressure to identify potentially acceptable sites on at least one Federal nuclear reservation.

If DOE were to find that the geology of these reservations was unacceptable for a permanent repository, it would face very disturbing questions about permanent solutions regarding what to do with waste at these sites that cannot be moved to another location.

Looking at the problem from another angle, if the DOE reservations are not acceptable for storing wastes that would be shipped there from other locations, then they would not be acceptable for the long-term storage waste already there.

Clearly, these contaminated sites present a set of very perplexing problems to the DOE.

This is what the Comptroller General said.

The motivation to find a site at or adjacent to the Nevada test site is obviously very strong. There is no doubt that the Department of Energy had made a determination prior to January 7, 1983, prior to the President's signing of this bill, prior to the President's speech that a site at the Nevada test site would be selected for characterization.

Mr. President, on August 22, 1982, John W. Meres, Acting Under Secretary of the Department, wrote to Senator GORTON in response to his request about the Department's preference for the Hanford site as follows:

> The candidate site mentioned by Dr. Thomas Dillon in DOE's testimony before the Subcommittee on Energy and Environment of the Committee on Interior and Insular Affairs on June 17, 1982 refers to the area within the Hanford reservation that appears promising for further site characterization.
>
> In 1983 two other candidate sites for detailed characterization for shaft development will be selected and tuff within the Nevada test site and at one of the salt formations being considered.

This was a letter prior to the act being signed. The DOE obviously just disregarded the act as if it meant nothing, as if the President's statements that I have referred to before today, that the President's statements, almost a dozen congressional committees were involved in this legislation, but with bipartisan support and cooperation from industry, labor, and environmental groups we managed to get it through the process.

Part of the process of getting through were statements like this made in this letter to Senator GORTON. "It is a bill that is good for all these groups because it is good for America. This legislation represents a milestone for progress and the ability of our democratic system to resolve a sophisticated and divisive issue."

Well, it seems to me that this high-sounding statement, and it was a high-sounding statement, it was a principle statement, it was a statement that was based upon the facts as the President had them, and he, in effect, said, "You have done these great things, now go ahead and complete your work."

Well, they just ignored him, went back to their strategy as outlined probably in this 1982 letter prior to the act being signed.

As late as May 13, 1984, the Department still openly declared that a site in basalt, tuff, and salt would be characterized as though the 112(a) guidelines and 112(b) environmental assessment meant nothing other than ratification of DOE preact decisions.

I guess the DOE mentality in all of this was that what all this legislation was to do is just put a rubberstamp on what they had already done.

They completely ignored, went around, and violated the law. The law meant nothing. They just went ahead and did whatever they thought they should do prior to the law being passed. I guess they thought that the law was just to put a rubberstamp on anything they wanted to do.

In its draft preamble to the siting guidelines, DOE stated:

> The group of preferred sites, along with the sites that are the only sites in their settings, will be the sites proposed for nomination.

Concern about the objectivity of the siting process has been exacerbated by statements of various DOE officials that site-characterization work has actually been going on for several years at Yucca Mountain and that most of the necessary materials and equipment needed for such activities have been procured.

The DOE apparently believes that those site-screening activities that preceded the passage of the NWPA were ratified by the act and that the site-selection process required by section 112 of the act did not require that all preact siting decisions be rejustified under the new statutory process.

I think we have established here today that nothing could be further from the truth.

Although we do not always agree with positions stated by the Environmental Policy Institute, a portion of EPI's comments on the Yucca Mountain draft environmental assessment are very much in point regarding DOE's prejudgment of site selection. We agree specifically with those comments and restate them here:

> There is, we believe, a fundamental question concerning the validity of those screening decisions which predate the NWPA especially the validity of the basic screening decision based on Federal land use and other methods used at other sites. Once an area had been selected on the basis of Federal land use, DOE was forced to try to find suitable sites or media within that area rather than starting with an area already deemed to be suitable for geologic reasons. The description in Chapter 1 of the selection of the Yucca Mountain and Hanford locations makes explicitly clear that DOE has attempted to locate geologically suitable sites in a geologically unsuitable area.
>
> As described in Chapter 1, and Chapter 2 of the Yucca Mountain Draft EA, for example, DOE literally retreated to one corner of the Nevada Test Site before it could even begin to try to find a geologically suitable site because of nuclear weapons testing activities and ultimately had to select a principal location outside the boundary of the site thereby defeating the principal siting criteria.
>
> The consequence of these pre-MWPA screening decisions and DOE's view that they are not "reviewable" is not expressed in Chapters 1 and 2. Perhaps, as noted above, this omission is due to the fact that the final Guidelines were not published or effective during preparation of the draft EA's and the policy of "non-reviewability" was not as clearly articulated. Being less

charitable, however, DOE may have deliberately down-played its view that pre-NWPA decisions are not reviewable, and were not, in fact, reviewed after the passage of the Act in light of the new requirements of the Act.

It is our opinion that the Congress intended, in enacting the MWPA, review of pre-NWPA site screening decisions. Congress did not prejudge the suitability of any sites already known to be under investigation. Congress also did not presume to either know of all the sites, hence the notification requirement in Section 116 of states of potentially acceptable sites, nor to assume that such sites were suitable, hence the detailed requirements in Section 112 for Guidelines, nomination, and environmental review.

Not only has DOE committed a substantive error in ratifying its preact decisions with subjective evaluation since the act's passage, it has done so without the proper consultation with the State of Nevada. Most disturbing—given the fact that DOE was unable to find a suitable site on the Nevada Test Site and proceeded to screen sites outside of the NTS boundaries—is a 1979 memo from the DOE Nevada Operations Office to the DOE Headquarters—M. Gates to S. Meyers, April 16, 1979. In this memo, the manager of the Nevada Operations Office pledged that he would seek State agreement before examining potential repository locations off the test site. Although DOE has been evaluating Yucca Mountain since late 1979, the Department has never consulted with the State before proceeding off-site—in violation of DOE's own pledge to seek basic agreement with the State.

Similarly, DOE's 1981-82 area-to-location screening may be seen as a mere ratification of the Nevada Nuclear Waste Storage Investigation's [NNWSI] 1979 intuitive choice of Topopah Springs tuff beneath Yucca Mountain as a candidate site. Though technically sound, the studies done by DOE after that intuitive choice was made do not support the decision that Yucca Mountain is the best site available within the Nevada Test Site or in the immediately adjacent area. The fact that the reference studies in section 2.2.4 confirm the 1979 DOE decision is not surprising. Given that many of those involved in the 1979 choice of Yucca Mountain also participated in the 1981-82 studies, we would be more surprised if the results had not agreed. DOE must develop a rational under its own guidelines (10 CFR 960) and appropriate supporting data to reasonably demonstrate that Yucca Mountain is better than any other site actually on the Nevada Test Site from all standpoints.

Nevada has contended since the original publication of section 112(a) siting guidelines that they were illegally subjective. In Nevada's brief in the NRC Guidelines Concurrence Proceeding, the State of Nevada stated:

Congress intended that objective standards could be applied with certainty in site recommendation after site characterization was complete: the decision of "suitability." Site suitability for development is determined under the statute as a pre-condition of site recommendation. It is a determination that a site meets the DOE guidelines. Note that 42 USC 10132(a) speaks of "guidelines for the recommendation of sites." The Department of Energy, because of a desire to create rules which could be used at earlier stages of decisionmaking, that is, site nomination, elected to use a subjective approach when an objective one was required. Congress contemplated that the same objective standards could be applied less certainly in preliminary determinations of potential suitability. See statement of Representative Ottinger, 128 Congressional Record H8796, discussing "preliminary determination of suitability" during the site characterization phase.

The State went on further to state:

The distinction between a subjective and objective approach to repository site selection is significant to host states.

If an objective approach is used, the Department of energy must compare the known-unknown physical condition of the site with a known measurable standard.

Through site analysis before characterization would necessarily require some relatively uncertain conclusions or assumptions, the comparison at that time, of site recommendations after characterization, is an objective one.

On the other hand, if the Department of Energy may use a subjective approach, it is only required to compare the same known or unknown physical condition with issue areas or policy statements.

The conclusion derived therefrom, that one side is better or worse than another, is entirely subjective and the host state in deciding whether to approve or disapprove of the recommendation is thus likewise forced to make and defend a subjective, unscientific decision.

It is obvious that the objective approach also better favors the purpose of the guidelines, "to protect the public health and safety and the environment."

There is a great colloquy. I would direct my colleagues to, between Representative John Seiberling and Chairman MORRIS UDALL, which again is cited in the CONGRESSIONAL RECORD, 128, at page 8778. There probably will be some time that I can later get into that colloquy in some detail and outline, word for word, what Representative Seiberling and Chairman UDALL had to say on this particular area, which is very important to the point that I am making here.

Nothwithstanding Nevada's and other States' continued objections that the guidelines were too subjective, DOE proceeding allowing itself to continue with preactive conclusions that required no reexamination.

Now the State's fear that section 112(b), environmental assessments, would amount to subjective applications of subjective guidelines, has occurred.

The manner in which the Department of Energy has used the guidelines in chapter 7 of the Draft EA is clear evidence that they are not capable of being objectively applied. Some examples of the text illustrates this subjectivity.

The draft EA compares five sites against the guidelines on geohydrology and the texts that I will submit at a later time concludes that Yucca Mountain is the only site of the five where favorable condition two is not present.

Similarly, five sites are comparatively evaluated against the guidelines on geochemistry and we find, in looking through some of the tables that they have set up, that—they conclude that a particular potentially adverse condition, that is, chemically oxidizing waste emplacement ground water conditions is present only at Yucca Mountain, only at Yucca Mountain. The comparative evaluation does not even discuss that potentially adverse condition in ranking sites under the guideline.

The presence of the potentially adverse condition seems to have no bearing on the rankings.

Also, five sites are comparatively rated against the guideline of geochemistry. I talked about why that is important and why the Department of Energy should have examined that. But nowhere have they done that. They, again, have violated their own rules, notwithstanding the law.

The DOE also makes general substantive conclusions that certain physical conditions either do or do not exist; assigns subjective values as to each of these conditions, and subjectively determines which of the sites is better than the others in the objective mind of the Department of Energy.

This analysis seems a far cry from the congressionally intended measurement of possible repository siting guidelines.

Adding insult to injury, the Department of Energy takes the various subjective determined data rankings under each of the guidelines that they have and performs statistical aggregation procedures upon them to arrive at a conclusion regarding the best of the five prepared sites. With the amount of subjective determination used in applying the guidelines, and with conclusions regarding ranking having been drawn from their application, any aggregation of these rankings would compound the subjectivity of the ranking, notwithstanding the computational method of aggregation used.

(Ms. MIKULSKI assumed the chair.)

Mr. REID. Probably the most telling development regarding the subjectivity of the DOE siting guidelines, their subjective application in the Draft Environmental Assessment and the DOE's attempt to ratify its preact selection of Yucca Mountain, is the failure of DOE's entire analysis to identify or evaluate the fact that a U.S. Geologic Survey map of seismic risk,

probably the most telling development regarding the subjectivity of the DOE's siting guidelines, their subjective application in the Draft Environmental Assessment and the DOE's attempt to ratify each preact selection of Yucca Mountain, is the failure of DOE's entire analysis to identify or evaluate the fact that a U.S. Geologic Survey map of seismic risk places Yucca Mountain in a region of major seismic risk.

None of the other potentially acceptable sites are located in such areas, according to this map. A process that would or could not identify this striking fact can be hardly be said to be an objective comparison of sites against each other.

The Draft Environmental Assessments are inadequate, under section 112(a) of the act, and in three important respects other than this subjectivity.

The Environmental Assessments do not give sufficient weight to postclosure considerations, that is the geological considerations. They give unwarranted weight to geohydrologic settings and do not adequately treat the transportation issue, and that is an understatement.

They do not treat the transportation issue in any manner that is satisfactory.

The act clearly requires that a geologic consideration be primarily criteria for the selection of the repository site in various geologic media. In the draft EA, the postclosure guidelines which deals with geologic and hydrologic conditions relative to the long-term storage of high-level radioactive material have been arbitrarily weighted at 51 percent of the weighting of all the guidlines. The preclosure guidelines, those that deal primarily with the construction and operational phases of the repository and do not pertain to long-term isolation capabilities, have been weighted at 49 percent of the total.

Such assignment of relative values hardly seems the statutory directive that geologic considerations be primary. Congress clearly intended, by establishing geology as the primary criteria for siting, that guidelines relative to the ability of potential sites, that is—and host materials, to isolate waste for a period of 10,000 years or more, be preeminently weighted in the development and application of siting criteria.

The wording of the act in this regard was specifically designed by Congress to guarantee the selection of technically superior sites in a political process. The establishment by DOE of the 51- to 49-percent relative values for postclosure and preclosure guidelines affords relatively equal importance to each set of factors; something Congress clearly never intended and something we regard as a violation of the act.

DOE seems to have done exactly what Congress tried to proscribe. It has developed and applied guidelines that allowed DOE to ratify its earlier selected sites with consideration of nongeologic and nontechnical factors such as current land use and perceived ease of siting.

Had DOE adhered to the guidelines and directives of the Nuclear Waste Policy Act and weighted its postclosure guidelines so as to truly represent the primary criteria for site selection, it is very likely that the comparative analysis in chapter 7 that I talked about earlier would have yielded very different results.

If, for example, the relative values applied to postclosure and preclosure guidelines were 70 percent to 30 percent or 80 percent to 20 percent, respectively, neither Yucca Mountain nor Hanford would have ranked among the three (or even five) highest-scoring sites (even using the overly optimistic and generally unsubstantiated data and analyses contained in the draft EA). Unless the postclosure guidelines are applied in such a manner as to clearly reflect their prime importance in the screening and selection of sites, the entire process is deficient. It is also possible that the repository location that is ultimately selected will not effectively isolate the waste for the time period necessary. The implications of such an "error" in siting judgment are obvious and potentially catastrophic.

(b ) Unwarranted weight of geohydrologic setting:

Instead of employing a straightforward comparison of all nine sites, DOE has chosen to group these sites according to five geohydrologic settings or provinces. Apart from the fact that such grouping is not relevant to this stage of the selection process, the use of this device guarantees that the two federal sites in Nevada and Washington will automatically be selected as two of the five to be considered for characterization simply because each federal site is the only one located in its respective geohydrologic setting. (See discussion of prejudgment above.) Because DOE has arbitrarily decided that only one site from each geohydrologic setting can be considered for further evaluation, it has dictated that technically superior sites may be overlooked in favor of less appropriate ones. This could hardly have been the intent of Congress.

DOE rationalizes its reliance on such geohydrologic settings by citing from the Act that the Secretary * * * to the extent practicable * * * recommend sites in different geologic media" (section 112(a)). In so rationalizing, DOE has confused the desire for geologic diversity with a requirement for characterization of different geohydrologic settings and has ignored completely the qualifying phrase "to the extent practicable." The draft environmental assessment is, therefore, inadequate under section 112(a) of the Act.

When Congress included the requirement that the DOE consider sites in different geologic media, it was concerned that, if all sites being considered were in a single type of host rock, a major flaw in that host material—should it come to light very late in the process—could seriously impair the entire repository program. However, Congress did not intend that the requirement for diversity preclude identification of superior sites. The Act clearly requires that geologic suitability is to be the primary criterion in site selection. By modifying the requirement that DOE recommend sites in different geologic media with the phrase "to the extent practicable," Congress clearly sought to keep the Act consistent with its intention that geologic conditions must be the primary basis for siting.

The DOE process produces a set of five sites irrespective of the actual merits of the nine or more sites under consideration. There is no assurance that the process used will discover five final sites that are technically superior (more suitable) than the others that have been considered.

(c) Inadequate treatment of transportation issues:

Section 112(a) of the Act requires that the guidelines "consider the cost and impact of transporting to the repository site the solidified high-level radioactive waste and spent fuel to be disposed of in the repository and the advantages of regional distribution in the siting of repositories." The guidelines are statutorily defective to the extent they do not address this important subject. While DOE guidelines do address (albeit inadequately) the proximity of specific repository sites to the national interstate highway and railroad routing system, there is no comparative analysis in the environmental assessments of the transportation-related risks that may arise from the selection of specific repository sites.

I think it is important that we point out that States that have in them very large cities will be the ones affected by this inadequate job of their not looking and doing a comparative analysis of the transportation-related risks. They simply did not do that and they simply should have done that.

This analysis must consider the specific transportation routes and distances that the selection of each of the considered repository sites would dictate and the impact on the public and environment that the selection of each would cause. Since this is a factor of repository siting that is statutorily required by section 112(a) and since (see section 112(b)(1)(E)(ii)), the Environmental Assessment is inadequate under the Act.

Also, of course, the "transportation corridor states" have a legitimate interest in this same analysis whether or not it is statutorily required. The DOE's failure to address this important topic is but another example of DOE's effort to ratify its pre-Act determination of the preference of federal sites.

(4) Statutory adequacy of the Environmental Assessment under §112(b)—

(a) Comparative evaluation of a nominated site with other sites and locations that have been considered (sec. 112(b)(1)(E)(iv)):

Chapter 7 of the draft Environmental Assessment purports to comparatively evaluate five sites. Yet section 112(b)(1)(E)(iv) of the Act requires that each nomination of a site under that section be accompanied by an Environmental assessment that includes "(iv) a reasonable comparative evaluation by the Secretary of such site with other sites and locations that have been considered" (emphasis supplied). Chapter 7 of the draft EA is obviously legally deficient because it does not compare the Yucca Mountain site with the Lavender Canyon, Swisher, Vacherie Dome, or Cypress Creek Dome sites, all of which were earlier determined by the Department of Energy to be potentially acceptable sites for a first repository. Nor does Chapter 7 comparatively evaluate

the Yucca Mountain site with any other site or location that the Department of Energy considered in arriving at the list of potentially acceptable sites. Without this broader comparison, the Congressional plan, that DOE be guided to a suitable site by the guidelines and by comparison with all other sites and locations that have been considered, is replaced by a Department of Energy plan that its pre-Act site preference be ratified by subjective guidelines and limited comparisons.

Section 112(b)(1)(E)(iv) does not specifically state that the "other sites and locations that have been considered" is limited to "potentially acceptable sites" as that term is used in section 116(a). It certainly does not limit the comparison to only the five nominated sites. It is logical that the concept "other sites and locations that have been considered" is much broader than "potentially acceptable sites," possibly including every site that the Department of Energy may have investigated both before and after the passage of the Act. The concept must, of course, be bounded by some limits of reasonableness. The Nevada site is, nevertheless, entitled at least to a comparison with the Swisher County site, which the EA says is only "marginally" less suitable than the one in Deaf Smith County.

(b) Ranking methodology:

Nevada and other states have repeatedly communicated to the Department of Energy their desire to comment upon the decision methodology that was to be utilized by the Department of Energy in determining which of the three nominated sites it would recommend for characterization. The Department's position, stated in correspondence from Mr. Rusche to Mr. Loux, was that that methodology was not going to be disclosed to the states prior to its exercise.

Now, in fact, the Department has used that methodology, subjective ranking, in comparing five sites with each other in chapter 7 of the EA's for all nine of the potentially acceptable sites. The State had no opportunity to evaluate or comment upon this methodology prior to this time.

Ranking the sites on the basis of postclosure guidelines, the averaging method places Yucca Mountain fourth—we would be out of the running—and the pairwise comparisons place Yucca Mountain tied for fifth, again out of the running. If the ranking stopped there and its postclosure guidelines were given the weight that the States and probably the NRC were led to believe, then Yucca Mountain would not even be characterized, but the Department goes further and applies two entirely subjective methods to reach down and pull Yucca Mountain up to the top ranking.

First, of course, is the utility estimation method. This is a dandy, the utility estimation method. That method is entirely subjective. That is why it is a dandy. All one need do is to determine the number of 10's that must be assigned to Yucca Mountain as well as the number of sixes and sevens to the predetermined less favorable sites and anyone can produce a number one ranking for Yucca Mountain or any other predetermined site, and it certainly would be easy to come up with the top three from this method. For postclosure guidelines then——

Mr. JOHNSTON addressed the Chair.

Mr. REID. The Senator from Nevada has the floor. First, of course, is the utility estimation method. The method is entirely subjective. All one need do is determine the number of 10's that must be assigned, as I mentioned earlier. And it is easy to come up with any predetermined ranking that you want. A striking example of such manipulation can be shown in a table that shows Yucca Mountain and Davis Canyon are earlier ranked fourth and fifth under the site ownership and control guidelines because both require congressional action to withdraw the land necessary to develop a repository, at best not absolutely guaranteed.

Yet in applying the utility estimation method, the Department assigns a score of 10 to all five sites. This is not only subjective manipulation of the data, it is completely ridiculous and indeed dishonest. Any honest assignment of scores under that guideline would give Hanford a 10 because it is already owned by the Department, Deaf Smith and Richton lower scores because both sites can be acquired by either purchase or condemnation, but will entail additional expense, and Davis Canyon and Yucca Mountain even lower scores, perhaps five or three or four or two or three because of the inherent uncertainty surrounding any congressional action.

A thorough-going critique of the ranking methodologies used in the draft environmental assessment is contained in the final "Analysis of the Methods Used To Rank Potential Sites for Nuclear Waste Repositories as reported in the United States Department of Energy Draft Environmental Assessment, December 1984." That critique was prepared by ECO Northwest for the joint legislative committee of science and technology of the Washington State Legislature.

We concur with the criticisms contained in that analysis and raise them as objections to the draft environmental assessment for the Yucca Mountain site. In particular, we join in the conclusion, which was, "because of the inappropriate methods and poor execution, the sites the DEA selects for characterization cannot be proved to be the best three sites of all sites evaluated for a repository.

There are major deficiencies in the draft environmental assessment statement. The draft environmental assessment contains several omissions and other content deficiencies that seriously impede the overall analysis for key subject areas and cast considerable doubt as to the validity of the conclusions that are reached.

For example, first, the exclusion of Lincoln County and the city of Caliente in Lincoln County.

In examining the socioeconomic and transportation impacts of the repository at Yucca Mountain, Lincoln County and the city of Caliente are omitted from all the analysis contained in the draft EA, despite the fact that the main rail route by which high-level waste will enter the State traverses the entire length of Lincoln County and bisects the city of Caliente, NV. Since, by DOE's own projections, at least 70 percent of the waste will be shipped by rail and since the Salt Lake City-to-Barstow, Union Pacific Line is the only line under consideration as a preferred route, most of the radioactive materials destined to the repository must pass through Lincoln County. In fact, the city of Caliente, which is literally divided in half by the railroad, must be the only area in Nevada where the "maximally exposed individual," using the DOE's own definition of those three words, could actually be found since many businesses—and even the city offices—are as close as 60 to 100 feet from the rail bed. There are numerous other impacts directly associated with the continuous flow of radioactive wastes through the county and city over a period of 30 years that must be examined if the EA is to be considered a reasonable and complete assessment of the effect of the repository on State and local conditions.

I would also state, Madam President, that——

Mr. ADAMS. Madam President, will the Senator from Nevada yield for a question without losing his right to the floor?

Mr. JOHNSTON addressed the Chair.

Mr. REID. The Senator from Nevada has the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. Did the Senator from the State of Washington wish me to yield without losing my right to the floor for the purpose of a question?

Mr. ADAMS. Yes, the Senator would request that the Senator yield for a question without yielding his right to the floor.

The PRESIDING OFFICER. The Senator may yield for that purpose.

Mr. ADAMS. I would ask the Senator from Nevada the following because he was just discussing the relationship between the States and the——

Mr. McCLURE addressed the Chair.

Mr. JOHNSTON. Madam President, the Senator has yielded the floor.

The PRESIDING OFFICER. The Senators will withhold. The Senator from Washington has the floor for the purposes of asking a question of the Senator from Nevada, who has the floor.

Mr. McCLURE. Parliamentary inquiry, Madam President.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Madam President, the Senator from Nevada had the floor. The Senator from Nevada sat down and yielded the floor. Did the Chair observe the Senator from Nevada taking his seat?

The PRESIDING OFFICER. No.

Mr. REID. The Senator from Nevada responded to a question from his aide and did not sit down.

Mr. ADAMS. I would like to ask the Senator from Nevada the following question. The Senator was just discussing the problem of consultation with the States during the course of his remarks and I want comment from him on what has been the experience of the State of Nevada in consultations with the Department of Energy because this was one of the key ingredients of the original bill.

And I want to indicate to the Senator and find out from the Senator whether he has had the same experience that we have had in the State of Washington with the Department's failure to honor its responsibilities to consult and cooperate with the affected States and Indian tribes.

What our problem has been is that there was an attempt in the 97th Congress to have the Federal system really followed by having the Department of Energy consult with the States. State by State they were supposed to do this and tribes were supposed to be consulted also. I want to state that there was also in the act a formal mechanism for agreements and formal agreements between the Federal Government and the appropriate States and tribes as well as provisions for impact assistance.

I would like to inquire of the Senator from Nevada if any formal agreements were entered into between the tribes and the Federal Government or the State and the Federal Government with DOE, and to sketch for me whether the history of consultation has been as it was in the State of Washington where our own Governor was forced on three separate occasions to utilize a little known protection in the Nuclear Waste Policy Act to just get information about what was going to happen from from DOE. I refer specifically so that the Senator will know what part to look for in his documents. I refer to the 30-day letter which said that the Secretary of Energy must respond within 30 days to a written request for information and under that——

Mr. JOHNSTON. Point of order, Madam President.

Mr. ADAMS. He suspends all site selection. I would like to know whether the 30-day letter ever happened.

The PRESIDING OFFICER. The Senator from Washington will be allowed to repeat his question.

Mr. REID. I will respond.

The PRESIDING OFFICER. If the Senator from Nevada will withhold, the Senator from Louisiana has a point of order.

Mr. REID. I will respond to the question. I will reclaim the floor.

The point that the Senator from Washington has raised is a good one. While I cannot respond to every aspect of the question, I certainly feel that it is important to talk for a minute about the noncooperation that we have received from the Department of Energy and at some subsequent time I know that the Senator from Washington will go into some of the ramifications from the 30-day letter and some of the things that have simply gone wrong with the relations with our States and the Department of Energy.

As we are all well aware, as the Senator from the State of Washington is aware, I have talked for some time today about just some of the problems that went into selecting, in effect, moving with the ranking methodology that they have used, moving the State of Washington and the State of Nevada from up here down to here. Any method that would have been used that was fair would have placed the State of Washington and the State of Nevada out of the running. I have responded at some length here in the last little while.

There is a lot more to be said about that. But I think for a while, I am going to talk about some things that are more, I would say new, so to speak. These are the things that I talked about and we have to certainly talk about more that deal with how they have gone about their ranking methodology.

I am going to talk about some testimony that was given earlier to the Committee on Energy and Natural Resources before I return to some more on this methodology ranking. I am going to return to that at some time, but I want to talk about some of the blurring of objections and the inherent political aspects of this issue.

Many Members from other States understandably but unfortunately seem to think that our objections are grounded primarily in politics, and they analyze the repository program from what has been earlier referred to by the Senator from Washington as a NIMBY perspective. This type of analysis is one of the most troubling roadblocks or mindblocks of understanding that exists regarding repository programs. They mistakenly think that the affected States object to this program mainly on political grounds because their citizens' natural reaction toward having a nuclear waste dump is, "Not in my back yard," irrespective of any other considerations; and that these Members, being able politicians, also may conclude that they can remain in office much longer by assuring their own State citizens and that nuclear garbage will never be disposed of there even if it is produced in their State and could be handled safely there.

Yes, I say to my friend from Washington and my colleagues in the Chamber, NIMBY is an attitude that will always be present to some degree in any State's view of the nuclear waste problem. However, this inherent citizen uneasiness with the nuclear repository is precisely why Congress drafted the 1982 act to ensure that a scientifically based fair and credible siting process would be developed. Only by having such a process could any State ever gain enough public and political acceptance to permit the location of a repository within its borders. Unfortunately, while the States understood the critical importance of adhering to the act's process, DOE clearly did not. DOE's flagrant disregard of the act's concepts and requirements has, of course, flamed the NIMBY fires and enhanced rather than diminished citizen's natural fears.

More importantly, DOE's incredibly poor and insensitive performance concerning most key aspects of the program has destroyed public trust and credibility, and therefore as a result there can be no hope of ever siting a repository under the current DOE program.

NIMBY attitudes are not Nevada's motivating factor because second-round States have had only limited experience with DOE. Congress may have some basis for concluding their negative reactions are largely motivated by NIMBY attitudes. However, Congress must understand that such concerns are quite secondary in nature, and the other affected first-round States and tribes.

And for those of my colleagues who were not here for the original discussion several hours ago that my friend from the State of Washington gave where he first referred to NIMBY, the word "NIMBY" means not in my back yard. So when I refer to NIMBY, that is to what I refer.

Our actual experience with DOE has given us more than enough legitimate and substantial grounds: for example, serious questions concerning the proposed Nevada site's safety and DOE's unfairness, lack of credibility, and its politicization of the program to fight to stop the process. We have had no choice but to challenge DOE in the court because of its numerous violations of the act's legal requirements and protections. When I refer to "we," I refer to the State of Nevada. Anyone who seriously and fairly analyzes why DOE has implemented this program

cannot but recognize immediately that such issues are more basic, overriding, and quite legitimate causes of our concerns. The time has come for Congress and other interested parties to move beyond the simplistic, convenient NIMBY analysis to face up to the real causes of the problems in the repository program and to help us resolve them in a fair and reasonable manner. Before describing today other specific objections of DEO's implementation program, I want to explain another concern that is somewhat unique to the State of Nevada and perhaps a few others.

This is the feeling of many Nevadans—that we already have certainly done more than our share. and I think it is worth considering the fact that we have done our share.

I think it is also important to talk about DOE's misguided implementation of the 1982 act. Again, we have talked about some parts of this, but other parts need to be spoken of.

Far more than anyone could have imagined, we have found throughout the process that DOE has repeatedly violated the Act's requirements and ignored its basic concepts. As I will outline below, DOE has implemented the program in total disregard of critical aspects of the Act and has simply often followed its own predispositions contrary to and in spite of the Act. Therefore, Nevada and the other affected States and Tribes and other interested parties have had no choice but to take issue frequently with DOE's misguided implementation of the Act. (As you may know, 40-odd lawsuits by various parties now are pending against DOE because of its improper repository program actions.)

Instead of learning from its early mistakes, DOE seems to have become even more determined and more arrogant in its "above or in spite of the law" implementation approach—as vividly illustrated by its recent attempt to drop the Second Round and to rewrite the Act administratively through the vehicle of Mission Plan Amendments, rather than through the legislative process. This DOE legacy has therefore given us exactly what any Member of this Committee would expect from such gross mishandling: an unfair, seriously defective program that has no credibility or acceptability.

Before proceeding to describe our major concerns, I want to stress once again the distinction this Committee must recognize between the Act, the basic elements of which are quite sound, and DOE's misguided implementation of the Act. As I will explain below, what is needed is not a new approach, but a roll-back of DOE's program and a series of "fine-tuning" amendments to guarantee that Congressional intent is followed when the Act is being implemented.

It would take much more than the limited time available today to give you a complete and detailed explanation of Nevada's concerns. We have raised them repeatedly in numerous formal comments, letters to DOE, court filings, prior Congressional testimony and various other documents to which the Committee has access for its review.

Even if there could be adequate explanation given about some of the things I have talked about here earlier today, I think we could highlight some of the concerns of Nevada. We have talked about the seriously flawed siting guidelines, and there is much more we need to talk about in that regard. I would have talked about two more a few minutes ago, but the print is awfully fine, and I will go back to it later.

Also, there are the following: Denial of meaningful State consultation, participation, and oversight; scientific and technical questions; DOE's biased and political site nomination and selection process; DOE's illegal attempt to cancel the second-round siting process.

As to the seriously flawed siting guidelines, we know they do not contain adequate objective criteria, and I have been very specific about some of that.

They allow the DOE to make extremely subjective and biased interpretations throughout the subsequent siting process, thereby undercutting credibility and viability of the entire program. The guidelines are a fatally flawed foundation on which the program has been built.

They permitted DOE to confirm characterization of sites preselected long before passage of the act—Yucca Mountain and Hanford.

They contain a structured presumption of suitability allowing DOE to select sites by saying site presumed qualified until proven otherwise. This is like changing the whole burden of proof in our criminal justice system by saying someone is guilty until proven innocent.

It is flawed in that it does not require adequate screening and collection of disqualifying data early in the siting process, thereby allowing DOE to rely on lack of data and suitability presumptions to say the site is not disqualified and thus DOE's preselected choices can be recommended for characterization. They allow inferior sites to be picked for characterization, so that a relatively poor site appears good by comparison. It does not ensure that the best or safest available site is selected.

The guidelines are seriously flawed in that they are driven by unrealistically early time lines in the act, which caused rushed, ill-considered decisions early in the process.

The guidelines ignore basic statutory requirements such as national transportation impacts and the effect on the repository of activities on nearby Federal lands.

It allows the DOE to make a preliminary determination of suitability prior to site characterization, whereas the act provides that the Secretary certify that three sites are preliminary suitable for development as a repository after characterization—that is, to guarantee that DOE would have three bona fide sites from which to choose the best one for development.

They were issued in violation of procedural and legal regulations.

There are further restrictions on meaningful State participation, consultation and oversight.

For example, DOE's basic approach has been to make decisions, and advise the States.

In essence, DOE refuses to acknowledge the fundamental State oversight role contemplated by the act and that this is essential for program credibility and acceptability.

The reason for this provision in the law is that we are talking about siting high-level nuclear waste; and if the States had some input into this process, of course it would be more acceptable. But, no, DOE did not want to do this. They wanted to go back with their preconceived ideas. They wanted to go with their preconceived tests. If they did not work out, they would do a new methodology of rating because they knew where they wanted to go. They knew the results of the tests. No one else need study the tests. They did this without giving the States input. They could not, because the process they were using, contrary to law and their own regulations, was a flawed process.

To compound it even further, they have not cooperated to make it so that you would not have to demand by virtue of the law, and then when we have demanded by virtue of the law they have still ignored us.

Although the State has given DOE extensive comments on various program actions, DOE has rarely addressed and certainly rarely have they done it adequately and most of the time they do not even respond to such comments, for example, the State's comments on the guidelines and draft environmental assessments.

Restrictions on meaningful State participation, consultation, and oversight, the DOE has repeatedly illegally refused to grant Nevada's request for funds to do the scientific studies and work necessary for the State to carry on oversight function, contrary to law.

We have had to go to court and sue for the money that we are entitled to under law. How does it make the State of Nevada feel, not like the Federal Government is doing their job. Again, I repeat for my colleagues: This has not been an issue that one party has had all the meritorious objections against nuclear waste. This is something that the people of the State of Nevada do not want. Why? For many reasons I am talking about now, because they have restricted any meaningful State participation, consultation, and oversight which has been contrary to the law and their own recommendations and in addition to that they have just been plain obnoxious.

You know, Madam President, I hear statements made all the time about

the Federal Government and how you cannot trust them and watch them and I have always felt that we have to trust the Federal Government, that we are the Federal Government. But if there were ever an example where distrust would develop, we have it here with the DOE. We have it here with the DOE. And the sad part about it is that it spilled over. The people of the State of Nevada feel this way. They do not feel that they can trust the Federal Government. They want to give us the MX, they want to give us nuclear waste. What is next?

Now, the Congress set up a method that there could be some meaningful State participation, there could be some consultation, there could be some oversight, and Chairman UDALL and others did it because it was the right thing to do. They knew if they were going to get a program accepted by the country, there would have to be some State participation.

I mentioned earlier when all this started we were talking about the new federalism. The new federalism was a concept that I thought had great merit. It had great merit because the new federalism meant to me that there would be an era, a time of cooperation, between the States and the Federal Government. There would be a time when we would take down the barriers, we would not fight Washington. Washington would be more cooperative with us. The old patterns would be broken. This for my State was a good example of how the new federalism could come to be, and there are Members in this Chamber who worked on the 1982 act and spent a lot of time on it. They spent a lot of time on it because conceptually they came up with a dandy. They came up with a dandy and what the President of the United States said I repeat again today:

> Almost a dozen congressional committees were involved in this legislation, but with bipartisan support and cooperation from industry, labor, and enviromental groups we managed to get it through the process. It is a bill that is good for all these groups because it is good for America.

So says President Reagan.

> This legislation represents a milestone for progress and the ability of our democratic system to resolve a sophisticated and divisive issue.

The new federalism—that is what the President was talking about. That is what the President saw. He is the one who came up with the term of art "New Federalism." He is the one that talked about there being more cooperation between the States and the Federal Government. States' rights would mean something.

Those of us from the West know how important States' rights really are. We know that we are the last bastion and there have been people picking up on it, but we were the last bastion to hold out for States' rights. And we believe in this as a region, as an area, and as individual States.

That is why the people who worked so hard on this legislation, the 1982 Nuclear Waste Policy Act, allowed by law participation, consultation, and oversight by the individual States that were going to be involved in possible sites for high-level nuclear waste.

(Mr. ROCKEFELLER assumed the chair.)

Mr. REID. Mr. President, the system has been messed up. The system has been changed. An act that started out with good possibilities, good intentions, as indicated in the statement I have read a number of times by the President, has been turned, not because any Members of Congress thought the act was bad, not because Members of Congress did not appropriate enough money to do what was within the act. No. What has messed up the act that has taken so much of this body's time and which the President said went through approximately 12 different committees, what has happened is the bureaucracy has gotten involved. People who do not run for office, people who do not stand for election, people who have not been responsive to the law of this land because they had a preconceived idea of what should be and "Congress can pass it but we will do what we want to do anyway," Congress in its general wisdom passed a law saying that there should be State participation, State consultation, and State oversight, and we have been ignored.

They have not complied with the law. They have not complied with the regulations. And in addition to that they have been rude, obnoxious. Anything that rings of the new federalism went back to the old, old federalism. Anything that talks about States' rights has been ignored.

This is a one-team program with one coach who does not run for office. They just go blindly down the path of the preconceived idea.

So there have been restrictions on any State participation, consultation, or oversight.

And I mentioned about the extensive comments that were ignored. They have repeatedly illegally refused to grant Nevada's request for funds to do the scientific studies and other work necessary for the State to carry out its oversight function.

Remember the purpose of this act was to have the one track going, the Federal Government doing their thing but the States would have the right to do the backup, to do the oversight. The Federal Government did this. Let us check with our own people. Let us hire our own experts to see if the two tracks go down the same road.

I feel confident and I feel very certain that if in fact the Department of Energy had allowed that to happen, there would be a much different sentiment in the States today than we now have.

So the DOE has repeatedly illegally refused to grant Nevada's request for funds to do the scientific studies and other work necessary for the State to carry on its oversight functions.

Indeed, DOE very recently stonewalled the State again and has only agreed to fund partially two of the scientific studies planned by the State this year.

These are not something that are a figment of the State's imagination, but they are based on credible evidence and the basis for scientific studies are required. That is what the law is all about.

The consultation and cooperation process has totally broken down because of DOE's actions, and, as you know, Congress has even had to resort to conditioning some of their appropriations in trying to get the DOE to cooperate.

I have talked generally about some of the scientific and technical concerns. There are lots of them. The major features of the Yucca Mountain site which under the siting guidelines may disqualify them based on reasonable conservative interpretations of available data include lots of things, but let us just talk about some of them here for a little bit.

We have talked about the fault movement during the postclosure period, that is due to earthquakes. And one thing the Members of this body must realize is that Nevada is a nextdoor neighbor of California, you know, the big earthquake State. We hear about one coming all the time.

An earthquake comes to California and Nevada is affected. We are their neighbor. We share some of the fault lines that they have.

Fault movement during the post-closure period due to earthquakes that may result in loss of waste isolation. Now this does not take into consideration the fact that we are next door—next door—to a nuclear weapons testing facility. So, not only do we have the earthquake danger in this hole that is going to be dug in the ground but we have the test site danger, bombs, weapons being exploded.

Major features of the Yucca Mountain site which, under the siting guidelines, may disqualify, based on a reasonable conservative interpretation of available data, include fault movement during the pre-closure period that may affect repository construction and operation, and ground water travel time.

The first Bureau of Reclamation study ever to take place, first Bureau of Reclamation project ever to take place in the United States took place in Nevada right after the turn of the century.

Senator Newlands from Nevada had funded the Newlands project. The Newlands project was funded for one reason. Nevada has a shortage of water, and we have been studying water since the days of Virginia City. In my early remarks here, I talked a little bit about Virginia City. I talked about how hard it was to get water to Virginia City.

Well, in most all parts of Nevada we have a very difficult time getting water there. We are experts in water. We have an institution called the Desert Research Institute in the State of Nevada. And they give scientific information, expert testimony, studies, all over the world on water. They are one of the leading institutions in the world on water and water shortages. They are experts on how to get water out of the desert, how to prolong water in a desert. Some of the drip irrigation that is now taking place so successfully in Israel is the development of the Desert Research Institute.

So we know a lot about water. That is why we are concerned and why I talked today about this hole in the ground that is going to have high-level nuclear poison, why we are concerned what it will do to our water.

We are not like a lot of places. We do not get a lot of rain. We do not have a lot of rivers. We do not have a lot of springs. Water is a rare commodity in Nevada.

Ground water travel time from the repository to the access table environment that we are concerned about may be as short as 900 years, which does not even meet the EPA standard of 1,000 years. Again, they do not even meet the criteria of a sister agency.

Now, I have talked about why I am concerned, why we are concerned, why the State of Nevada is concerned, why this Congress should be concerned, and why this country should be concerned about a high-level nuclear waste repository being located next door—and I mean right here, next door—to atomic energy defense activities.

And I have talked a little bit about how they had to even, as we say in Nevada, cut the deck wrong when they found a site near the Nevada test site.

We are concerned from a scientific and a technical standpoint of degradation of ground water quality and the reduction of water quantities available for human consumption—listen to this, this may surprise some of my colleagues—for crop irrigation in the Amargosa Valley. We grow crops in places in Nevada. This is the oasis in the desert I talked about that is located just a short distance from where this high-level nuclear waste repository is being talked about being placed.

There are other, Mr. President, potentially disqualifying conditions under the guidelines which Nevada scientists and technicians and those outside Nevada have identified.

In parts of this country—and I need not remind my good friend, the Senator from Washington, who gave such a brilliant statement earlier today on this subject, about volcanoes. They know about volcanoes in the State of Washington. Volcanoes still occur on this continent. Volcanoes still occur in the western part of the United States. There is potential volcanic activity in areas adjoining Yucca Mountain. That is a scientific fact.

There is a high probability of significant tectonic activity, that is earthquakes, at Yucca Mountain during the next 10,000 years. And, as I mentioned earlier, we give it 10,000 years because that is part of the guidelines we have been given for this.

But we know that there are earthquakes taking place right now. We know that is a fact. The only thing, in Nevada, southern Nevada, we do not know whether it is an earthquake or atomic explosion that goes off. They both affect the tall buildings the same way.

So there is a high probability of earthquake activity in Yucca Mountain during the next 10,000 years.

Potential future fault activity. I have talked about that. One reason that Nevada is so mineralized is that there are all kinds of faults running through that State. That is how minerals occur in nature is through different fault formations.

We have become much more scientific now in analyzing what a fault does, but in my younger days, when my father and his friends would look for a claim, look for someplace that there would be minerals, they always looked for a fault because that is where you had a good chance of the heat being such in previous times of history where the earth would get hot and bang and crunch and grind under tremendous heat and minerals are created under those conditions.

That is why Nevada is a heavily mineralized State. It did not happen by accident. That is why there is not a lot of mining in Florida; probably are not a lot of faults in Florida. We have a lot of geologic faults in the State of Nevada. And these are potentially dangerous for a high-level nuclear waste repository.

There are localized zones of saturation that may imply absence of free drainage. On the Nevada test site near Yucca Mountain—and I say on the Nevada test site—they have a hole that they have dug that goes down real deep. They take you down this and say, "See, this is the same kind of thing we are going to do for a high-level repository. How do you like it?"

I have been down that. They put you in like a little elevator that goes up and down for a long time. And you get down there and it is interesting. But, do you know what is down there? Water. Water is dripping. The water is coming from someplace and it could only come from the ground that is around that hole.

So we are concerned from a scientific and technical standpoint about localized zones of saturation that may imply an absence of free drainage. That is a real concern.

There is the possibility of climate changes that could result in water table elevation and increase moisture flux.

Remember, I have talked about an unusual place in nature here—a desert and suddenly there is an oasis in the desert, Amargosa Springs, Pahrump, Ash Meadows. Why is that water here? Why, in the middle of the desert, do we have this water?

We have areas of possible climate changes that could, of course, result in water table elevation and increase moisture flux.

From a scientific and technical standpoint, we are concerned about soluble salts in the unsaturated zone under elevated temperatures that could affect waste canister integrity.

As I said earlier, these young soldiers and these young people that were involved in the atmospheric testing, they were told not to worry. I can remember there was a short period of time when we were told that you should wear dark glasses.

Well, that was the Government's way of protecting you for that short period of time. And then they gave up on the glasses.

I have already explained in my prior statement here how, even though the Government said atmospheric testing would not hurt those people watching it, we know that that is not the case. And that is why Senator SIMON, Senator DECONCINI, myself, and others introduced legislation to allow these people who are victims of what took place these many years ago, to have a right to bring a case in court to determine if, in a court of law, they have a case; that they can carry the burden of proof.

So, this is a problem. The Federal Government does not always tell you the way it is.

Sometimes you learn through experience and that is why you have the Congress, in 1982 that passed this law. That is why they said: I think it is important, if we are going to have this accepted, that these fears that the States have, why do we not allow the States to voice their concerns? Why do we not allow the States to participate, consult, and have oversight in what goes on? That is important.

But, no, the DOE said, "we know better better than Congress. Chairman Udall and the other people, they do not know what they are doing. We know better than they know. And even

though it is the law of this land, we need not follow the law of this land."

So, there are scientific and technical concerns that deal with a lot of things. Soluble salts is where I left my description, in the unsaturated zone under elevated temperatures that could affect waste cannister integrity. And I talked about waste cannister integrity because I do not want anyone to think that these little moving pictures they prepare, these home movies that show a truck running into a wall and the cannisters bouncing out and basketballs, that this is OK. No one should believe that just because they say it is so, it is so.

Should we not be able to conduct some scientific and technical concerns in the way that we feel appropriate under the act? The answer is obviously yes.

There are unrealistically high radionuclide retardation rates resulting in unreasonably low estimates of radionuclide release—that is a mouthful—radionuclide release; mineralogical changes resulting in volume reduction that could affect preclosure lock stability; deficiency in the rock stability of tuff, that may require—and I have referred, a couple of times, Mr. President, to tuff. By that I am not referring to t-o-u-g-h; I am referring to t-u-f-f, which is a formation that we feel the Department of Energy has not done a very good job of working with. That is deficiencies in the rock stability of tuff that may require the use of artificial supports for an extensive maintenance of underground openings.

I talked a little bit earlier today about some of the unique things that have been found in Nevada and that when I was Lieutenant Governor, welcoming people to the State of Nevada, one of the things I used to tell them about was what happened to Virginia City, with the rock convulsing, twisting and turning, and they had—they had to develop a method of timbering that is still used today in underground mining, the square-method of timbering to take care of that.

All we are saying, this modern, scientific age, we believe that the rock stability of this tuff may require the use of artificial supports for an extensive maintenance of underground openings.

That scientific and technical concern, there is a concern for potential of natural resources which I have talked about already, such as gold or silver or other minerals, perhaps, which may be attractive for future explotation and, or course while I am talking about scientific or technical concerns, I want to talk about DOE's lack of any present right to divert water from the repository for siting purposes.

Certainly, when we talk about water, there could be nobody in this Congress that is more concerned about water from a technological, from a political standpoint, than the manager for the minority of this bill that is here today.

The Senator from Idaho spent a great deal of his political life being concerned about water, and rightfully so, coming from the State that he so aptly represents.

DOE has an absolute lack of any present right to divert water for repository siting purposes. How are they going to get it?

There are technical concerns noted by the NRC staff, as areas which DOE has inadequately addressed or omitted completely.

I guess if you omit something, it is complete. They have omitted things from its final environmental assessment of Yucca Mountain, and about which DOE has drawn overly optimistic conclusions, such as active fault movement and reactivation of prior faulting by nuclear weapons testing.

They neglected hydrothermal activity affecting the water isolation compatibility of the site or any containers used there; the possibility of valuable natural resources.

Now, remember, these are concerns of the NRC staff.

Reliance on highly uncertain geochemical properties to retard radionuclide transport to the accessible environment.

DOE's questionable calculations of ground-water traveltime through the unsaturated zone based on very limited models and single value for key hydrologic parameters and, again, the NRC, reliance on an engineered barrier system, the waste package lifetime of which may be greatly overestimated.

NRC did not say overestimated; it says greatly overestimated.

Unresolved generic concerns with volcanic tuff, as a suitable geologic medium for high-level waste isolation, first raised in 1979 by the NAS with the caution that they should be resolved before major resources are committed to the development of Yucca Mountain as a potential site.

Mr. President, I think it is important here that I again revisit the mindset of the State of Nevada. The mindset of the State of Nevada is that we get along pretty well with the Federal Government. We are willing to do a great deal and the concerns that I have raised here have not been nitpicking concerns. They have not been concerns that I raised just to take up time. These are concerns, Mr. President, that the State of Nevada—we have developed since the 1982 Waste Policy Act was passed; since these words the President uttered.

If they had been handled properly, I think the State of Washington and the State of Nevada and the State of Texas, which we include in this, who have concerns—because they have testified at almost all of these hearing—I think they would have felt much differently if they had been treated fairly.

We are raising these objections because they are real objections and I think it is important that these be understood for real objections.

The State of Nevada is easy to get along with. DOE should have followed the law and their own regulations. Had they done that, we would not be in the position we are in today. But that is where we are. There are unresolved generic concerns with volcanic tuff as a suitable geologic medium. Because of the seismic and volcanic stability of tuff, because of the significant lateral variations in thickness and character of tuff; because of the fault characteristics of tuff; and the stability of tuff in the presence of hot, electrolytic solutions.

There is also, Mr. President, the lack of a quality assurance program which has rendered DOE's technical information on the sites very, very suspect. Stop work orders have been in effect at Yucca Mountain and Hanford while they developed a quality assurance program.

Stop work orders have been in effect at Yucca Mountain and Hanford while DOE develops a quality assurance program.

Much of the data gathered cannot be verified and is of questionable validity. Yet, such data was relied on in the EA's and in making the site characterization recommendation. This makes such decisions questionable. Moreover, such data may not be acceptable for NRC licensing purposes at a later time.

Inherent conflicts of DOE and DOE contractors under present management structure is something else that deserves the time of this body.

DOE has conflicting missions of conducting defense programs that produce waste and of finding a safe disposal facility for such waste as well as, of course, commercial high-level waste.

Many DOE contractors who, in effect, compete in a race to declare their sites to be suitable for characterization and eventual repository construction, have a major economic stake in the site not being disqualified.

This is a direct conflict of interest. It is a conflict of interest that must be addressed. I think it is important that we recognize that DOE contractors who, I would say, in effect, do compete in a race to declare their sites to be suitable for characterization and eventual repository construction, have a major economic stake in the site not being disqualified.

You cannot have the fox watching the chicken coop. That is in effect what we have here. It is just not right.

I talked, Mr. President, at some length about some scientific and technical concerns that I have, and as part of that I have talked about restrictions on meaningful State participation, consultation, and oversight.

Now I want to take a little bit of time and talk about the Department of Energy's biased and unfair politicized first round site ranking and selection process.

I have spent some time doing that. I have gone over some very technical reasons why the methodology that they used was wrong, why it was unfair, why it was probably without question illegal. But in spite of that, I think it deserves some more attention of this body.

An investigation of DOE's first round selection process by the House Energy and Commerce, Interior Subcommittee clearly documents DOE's political manipulation and gross bias resulting in selection of the Yucca Mountain and Hanford.

As the subcommittee chairman and other members informed the Department of Energy Secretary Harrington, "It appears that DOE manipulated data, weighting factors and analytic techniques to arrive at a predetermined set of sites. In addition, DOE ignored findings and recommendations of its own technical staff and the National Academy of Sciences, and misconstrued the Nuclear Waste Policy Act."

That is a strong statement. Again, this is not in a statement that I spent some time on last night working out before I came here. It is not a statement that my staff worked up prior to coming here so that I could have something interesting and cute to deliver to this body.

No, Mr. President, this is a statement verbatim that the subcommittee chairman gave from the House of Representatives. I think it is a strong statement when it said it appears that DOE manipulated—not my word; their word—data; they manipulated weighting factors. They even manipulated analytic techniques. To arrive at what? To arrive at a predetermined set of sites.

There may be people in this body, and there are a lot of them, who probably are breathing a sigh of relief that one of their States has not been selected as a possible site for a high-level nuclear waste repository. But in spite of the fact that they are breathing a sigh of relief that they are not going to be a site for a high-level nuclear waste repository, there is not a Member of this body who cannot look at this statement or listen to this statement and say, "That is unfair. It is not right what they have done to Washington, what they have done to Nevada. That is not fair."

I am convinced that with the great history of this body, which stands for fairness, equity, justice, it will listen to what I am saying, even though you are not going to be one of the sites for a repository. How can you let this happen to us? It is unfair. They cheated us. It is as if they held a gun to our head. It is not right.

Yesterday, in Virginia, as I understand it, they agreed to have a lottery in the State of Virginia. That would be like selecting the winner before they issued the cards. That is what they did here. It is not right.

"It appears that DOE manipulated data, weighting techniques, to arrive at a predetermination of the sites."

That is wrong.

In addition, they ignored findings and recommendations of their own technical staff and the National Academy of Sciences, and even misconstrued the Nuclear Waste Policy Act.

It also, what did they say?

We have found conclusive evidence, in many cases supplied by DOE's own internal documents—

We established earlier that some of them may just be destroyed, and I do not know whether it was through negligence, inadvertence, or intentionally, but a lot of them were destroyed. Some of them were not. We can only rely on the paper trail we have been able to find. Here is what a subcommittee chairman of the House Energy and Commerce Committee has said:

We have found conclusive evidence in many cases supplied by DOE's own internal documents which lead us to only one possible conclusion: DOE distorted and disregarded its own scientific analysis.

Sometimes we say DOE and we do not get the full impact. I do not, anyway.

The Department of Energy distorted and disregarded its own scientific analysis. Not only did we find—

Again, I did not make this up. This is from a major committee in the other body. They said this:

They not only have manipulated data, weighting factors and analytical techniques to arrive at a predetermined set of sites, but they have ignored their own findings of their technical staff and the National Academy of Sciences and misconstrued the Nuclear Waste Policy Act. What else have they done? They have not even followed their own scientific analysis.

Further, the committee said, and I continue:

A review of internal Department of Energy documents strongly suggests that DOE had decided on the three sites prior to the completion of the methodology report and then tailored the methodology report to justify the final decision.

How many times do we need to keep saying this? As, again, Chairman UDALL said once as I appeared to testify before his committee, "Everything has been said, but I guess not everyone has said it."

Well, that probably is the same here. It has been said, "but not everyone said it," but almost everyone has said it. Almost everyone has said that the DOE has tailored their methodology to justify a final decision. Almost everyone has said that. And what we have now being done with this legislation on this appropriation bill is a rewarding of the DOE by saying, "Well, they messed up the program, they were dishonest, they were unfair, they did not follow our law, they did not follow their own rules and regulations, but we will bail them out of it. We will jam it down somebody's throat."

Well, I do not think DOE should be rewarded for what they did to a few States because when they do it to a few States, they do it to the whole country. They have not done a good job. This is such an important issue, high-level nuclear waste, that time should not be the demanding criteria. Time should not be the demanding criteria. Quality, quality assurance, safety, no matter how much time it takes, should be the deciding factor of this body. The DOE has botched a law that the President said was a new beginning—and I am paraphrasing, but in my terms he said it was his view of what new federalism was all about. They did not care if the President signed the bill. They had their own law they had in their own mind, not on paper. They did not care if they followed their own regulations, which they did not, and now we are going to reward them.

Well, this body should not reward them. I am convinced that the House of Representatives, will not reward what has taken place at the Department of Energy and we should not reward them. We should not cover up their ineffectiveness, their manipulation, their tailoring. These are words that I have picked up that other people have said.

"Further," the committee said, "DOE suppressed information that was unfavorable to its position." How do you like that? They suppressed information. Again, I do not certainly in any way feel that States should not be happy that they are not getting nuclear waste shoved down their throats. But even though I do not in any way resent their happiness, I do want the Members of this body to understand that an unfair result has developed not as a result of oversight, but as a result of not following the law, manipulating, tailoring, not following their own, scientific analysis, distorting it—words here—suppressing information. And in conclusion this committee said, "DOE's recommendation/decision is seriously flawed and totally unsupportable."

I have talked in a disjointed fashion and given a few sidebars and a few comments on what this committee said. Now I am going to read it in its entirety. It will take just a few minutes and we have that time.

It appears that the Department of Energy manipulated data, weighting factors and analytic techniques to arrive at a predetermined set of sites. In addition, the Department of Energy ignored findings and recommendations of its own technical staff and the National Academy of Sciences and misconstrued the Nuclear Waste Policy Act. We have found conclusive evidence, in many cases supplied by the Department of Energy's own internal documents, which lead us to only one possible conclusion. The Department of Energy distorted and disregarded its own scientific analysis. A review of internal DOE documents strongly suggests that the Department of Energy had decided on three sites prior to completion of the methodology report and then tailored the methodology report to justify the final decision. The Department of Energy suppressed information unfavorable to its position. In conclusion, the Department of Energy's recommendation/decision is seriously flawed and totally unsupportable.

So, Mr. President, this is not Nevada trying to be, as I have said before, nitpicking, trying to say, well, gee, what can we do to support our position? I wonder what we can come up with?

I did not have my staff spending time coming up with elaborate statements trying to logically weave a way through this morass. I need not do that. I only need to talk about what other people have said, because what they have said is that the system is bad, that they did not follow the law, they did not follow the regulations, they did not follow their own scientific findings, and they in effect flat-out cheated. So the DOE, biased and unfair, politicized the first-round site ranking and the selection process.

I have talked for a few minutes about some of the things they did and I cited the Energy and Commerce Committee from the House of Representatives. The subcommittee report also documents such abuse as political manipulations by the Department of Energy in other areas and in numerous instances, they showed, for example, rock diversity criterion was considered an overriding criteria causing Yucca Mountain and Hanford to be essentially preselected. Why? Because they were preselected. Because Yucca Mountain was the only tuff site and Hanford the only basalt site under consideration. So as I have talked about before, they just weighted them improperly. What right did they have to do the weighting the way the did? Any scientist looking at it, at least as far as I have been able to determine, would think it is at least a very unusual way of weighting things. From the way that they weighted things, it appears that they had a predetermined goal.

Rock diversity criterion was considered an overriding criteria causing Yucca Mountain and Hanford to be essentially preselected because Yucca Mountain was the only tuff site and Hanford the only basalt site under consideration. DOE officials assigned monetary values and site rankings to socioeconomic, aesthetic, and environmental factors in such a manner as to weight such concerns more heavily than health and safety considerations.

Now, let us analyze that just a little bit. The preselection reason is why they did it, but for reasons that are not reasonable the DOE officials assigned monetary values in its site ranking to socioeconomic, aesthetic, and environmental concerns in such a manner as to override and depend on them more heavily than health and safety considerations.

Now, the concerns of the people of this country, the concerns of the people of the State of Nevada are certainly safety and health first, certainly health and safety first. But, no, they decided to throw in aesthetic, socioeconomic, and environmental concerns.

Now, how could a rational human being, when we have been talking about high-level nuclear waste, put those concerns ahead of health and safety? I do not know. They cannot. It cannot be done on a reasonable, rational basis. Hanford and Yucca Mountain as the same Department of Energy officials well knew from their work on the draft environmental assessment would thus score better than the salt sites. That is the only logical reason that it could be done because how could you with nuclear waste give a higher weighting to aesthetic and environmental concerns than you could health and safety?

Well, the subcommittee also was concerned about repository costs and transportation costs. They were totally ignored, notwithstanding the act's clear statutory requirement that these factors be considered.

Scrutiny of DOE's first round decisionmaking documents reveal that DOE's cost estimates for each site under consideration were not based on equivalent data. Cost data for the salt site was updated as of February 1986 whereas the cost data used for Yucca Mountain was several years old. And costs for the same basic items were radically different at the nominated sites.

The subcommittee's findings are supported by earlier criticisms of what they did. In 1985 review of the ranking methodology concluded that the technique was appropriate but that it must be implemented correctly and that accurately to be useful and credible DOE of course should not use its own technical experts to assess performance of postclosure factors at each site but rather should use outside experts to enhance the credibility of DOE's work.

DOE, of course, Mr. President, did not follow this recommendation. The 1986 review of the application of the methodology again criticized DOE for failing to involve outside groups of experts in the development of value judgments for preclosure analysis, for failing to consider differences among sites and pathways from the EPA accessible environment to the biosphere, for failing to include outside panels of experts in the site ranking process beyond the NAS's own limited review. NAS concluded the lack of internal input in technical and value judgments could raise concerns about bias. Second round cancellation decision shows DOE's blatant politicization of the program. Even DOE's own general counsel has admited that the May 28, 1986 decision was illegal.

The Department of Energy's incredible recent attempt to assume legitimate powers by maintaining that it could change the act and make its improper second round decision and other actions legal by administrative changes in its mission plan without specific congressional legislative action vividly demonstrates DOE's disregard of the act's requirements.

These second round actions while perhaps shocking to me, the Congress, and to parties not accustomed to DOE's approach to this program, I think, Mr. President, illustrates what their attitude has been and what their actions have been toward the affected States and tribes that have been experienced since the inception of this program.

I would respond to my friend from the State of Washington that this may have been a long way of answering the question that he asked but I have answered it. I have answered it. The question was articulate, probative, and I have attempted to answer it by saying no, they have not been cooperative.

We know that the siting guidelines have been flawed. DOE turned down the wrong track at the very outset of this program. It is essential to understand that the siting guidelines which serve as a basic foundation and framework for implementing the act are fatally flawed in a number of ways.

This has undercut the entire program. Because the program is based on the unacceptable guidelines, its various subsequent key decisions—that is, what we are here talking about a lot today are the site nominations—also are unacceptable and therefore the only way to correct these problems is to roll back subsequent decisions, reissue proper guidelines, and then reimplement the act correctly. It can be done.

When these guidelines were being developed Nevada and other States strongly urged DOE to adopt guidelines that would be objective and would ensure that the act would be implemented on the sound technical and scientific basis. DOE in essence rejected the States' suggestions and issued guidelines that allow it to make very subjective siting determinations and to ratify its earlier plan siting ac-

tivities as if the 1982 act, Mr. President, had never been passed. And they did it to carry out its predeterminations.

I think it is also important to point out that not only have the States attacked DOE's guidelines, but other parties have also been critical. And we know that there have been some well-reasoned comments by the Environmental Policy Institute which their comments were rejected and it is the subject of some litigation, but certainly it is something that we must recognize that they also rejected and refused to take up.

There are subjective standards allowing confirmation of preselected sites. Nevada and Washington, which have been under consideration for repository sites long prior to the act, have learned that DOE from the start of the program has argued that the guidelines should not allow the Department of Energy really to confirm DOE's obvious predisposition to select these sites for characterization.

Instead, we argued that the guidelines should ensure that only the best available sites should be selected for characterization, and that this could only be determined after careful objective and impartial comparative study of potentially acceptable sites.

DOE rejected our views, proceeded to follow its very subjective approach, and favors preselected sites. DOE's highly subjective guidelines contain various features that in effect guarantees that the Department of Energy can disregard the act's intended siting process, and largely continue with its earlier characterization efforts.

For example, the guidelines contained a presumption that a site is qualified until there is data that would clearly disqualify the site. This presumption works in tandem with another guideline concept that little disqualifying data must be gathered early in the siting process. And, therefore, DOE has been able to conclude on the basis of some say no data, others say very limited data, that a site is potentially acceptable because it has no disqualifying data and thus proceed to select the site for characterization.

The guidelines' failure to require adequate initial screening and to focus more on the collection of potentially disqualifying data early in the siting process also allows inferior sites to be picked for characterization. This makes relatively poor sites appear good by comparison. And such a distorted process obviously is unfair and clearly does not ensure that the best or safest available site is selected on the basis of valid comparisons.

The guidelines also deviate from the act's expressed requirements. DOE totally ignored important areas such as the national transportation impacts, and during the next little while, Mr. President, there is going to be a lot of talk about national transportation impacts which some people would like not to talk about, not to discuss because a lot of States, a lot of cities, a lot of rural communities, do not like the idea of 70,000 metric tons for the first big push being shipped through their cities, through their streets and highways. So there will be an opportunity to discuss adequately information about transportation. If we do not do that, there is going to be something left out of the information, because they ignore the national transportation impacts and the possible effect on repository construction and operation activities occurring on nearby Federal lands and site selection criteria.

In addition to those substantive omissions, the guidelines are also procedurally and legally deficient. The Department of Energy, in my estimation, would have saved themselves a lot of trouble and certainly a lot of litigation if they had just followed the law and their own regulations. That is all the State of Nevada wants; that is all we ever wanted—not to have to fight every step of the way to get what is legally ours.

As I indicated, in the near future I will have for the Senate's review charts showing the likely routes for nuclear waste transportation. These charts are very illustrative of where the main routes of travel will be. I think it will open the eyes of many Members of Congress, both in this body and the other, about where nuclear waste must go.

Nuclear waste cannot just suddenly appear in Hanford or in Nevada. It has to be hauled there. It cannot be hauled by airplane. There are a couple of basic ways it can go: over highways and over railroads, and both ways go through the large cities in this country.

The Department of Energy has said that they are going to try to haul most of it by train. We know the safety record of trains in recent years, recent months. That is one of the things the Department of Energy does not have in their home movies. They do not have a picture of a train wrecking.

So, at the right time, we will have our charts, have our maps, to show why it is important that the Senate, in effect, be educated as to the travel routes of this poison.

Mr. JOHNSTON. Mr. President——

Mr. REID. The Senator from Nevada has the floor.

In addition to these substantive omissions, the guidelines are also procedurally and legally deficient. The guidelines were promulgated without observing procedures required by the Administrative Procedures Act and other applicable statutes: 5 United States Code, section 706(2)(d), 1982, Administrative Procedures Act; also, 42 United States Code, section 7191, sections (a), (b), (c), 1982.

These procedural shortcomings are not mere technicalities. Rather, DOE issued various substantially revised versions of the guidelines without providing an opportunity for full public comment on revision. For example, the public never had an opportunity to review and comment upon the preamble statement to the guidelines which contains critical policy decisions concerning the site location process.

By way of example, the preamble includes a statement by the Secretary of the Department of Energy that, in his view, the act limits the selection of potentially acceptable first-round sites to those that were under study at the time of enactment. Such a statement has no express foundation in the statute and precluded screening for better sites.

Finally, the guidelines inappropriately permit DOE to make a preliminary determination of suitability at the time of recommendation of three sites for characterization, rather than after-site characterization as provided in section 114(f) of the act.

The act states: "The Secretary shall consider as alternate sites for the first repository to be developed three candidate sites with respect to which one site characterization has been completed and, two, the Secretary has made a preliminary determination that such sites are suitable for development as repositories."

Congress must have included this section to ensure that at the end of site characterization, DOE would have three bona fide sites from which to select one for repository development. Such a requirement is critical to ensure that the Department of Energy cannot select a preferred site for characterization together with two less suitable sites in order that the preferred site would be the only site available or at least the one selected after characterization.

Although we could argue that the 1982 act is basically sound, I can also talk about some problems in its provisions.

I think it has now been generally recognized by most informed parties that the act imposes arbitrary and maybe unrealistic time limits for DOE to complete its decisional process, particularly in the early stages.

The unreasonable time requirements undoubtedly contributed to DOE's rush to complete the siting guidelines and other important initial decisions without adequately appreciating or considering their impact.

In any case, Nevada and the other States have maintained from the start that DOE's siting guidelines are illegal and that they put the program on a fatally flawed foundation.

Unfortunately, because the guidelines have been the basis for all subsequent major siting decisions, screen-

ing, recommendation of sites with characterization, and the preparation of site characterization plans prior to the sinking of shafts, they have undercut the credibility and the effectiveness of the entire program.

One of the most important midcourse corrections that must be made is to revise these guidelines to reflect the States' earlier comments and the act's requirements. This is essential in order to get the program back on track and keep it there. We have talked about restrictions on meaningful States' participation, consultation, and oversight. We now that they have refused to acknowledge the States' and tribes' fundamental right for oversight, the role contemplated by the act. Its general approach has been to make decisions and then advise us on these decisions.

Despite our submission to DOE of extensive comments on various program actions, such as DOE's draft environmental assessments, DOE frequently has discounted or totally discarded such comments and plowed ahead with its own prior determinations. It has denied States and tribes the opportunity to attend important meetings, review documents, receive complete information in a timely manner, and has generally prevented participation, consultation, and involvement in any real, meaningful way in the decisionmaking process.

The States and tribe have also repeatedly had to resort to the formal information demand process established by section 117(a) of the act, because, as I mentioned before, DOE has simply refused to act cooperatively in a more informal manner.

Such actions by the DOE in preventing meaningful oversight have naturally prevented the public from developing trust and confidence in the program.

In fact, it has created, I think, Mr. President, just the opposite public reaction.

As to DOE's illegal withholding of State funds, we have talked about that. Let us talk about it in a little more detail.

Another important aspect of this problem concerns DOE's funding of State-sponsored program activities.

As this body is aware, DOE has repeatedly refused to grant our funding requests in a timely manner.

In fact, the Ninth Circuit Court of Appeals, where we almost got a Supreme Court nominee a few days ago from the Ninth Circuit, the Western Circuit Court of Appeals of this Federal system of courts, upheld the State of Nevada's right under the act to DOE funding for independent testing and evaluation of certain scientific and technical matters.

In reaching the decision, the Ninth Circuit Court of Appeals, among other things, said by minimizing independent collection of primary data and then restricting State tests of primary data the DOE has collected guidelines which wipe out the independent oversight role that the Congress envisioned for the States. Let me read that first sentence again. This is the Ninth Circuit Court of Appeals: "By minimizing independnet collection of primary data and then restricting State tests of primary data that DOE has colleted, the Department of Energy's financial assistance guidelines wipe out the independent oversight role."

And the reason I said "wipe out," I am not quoting exactly; I am having trouble with the word "eviscerate"—anyway, wipe out the independent oversight role that Congress envisions for the States permitting the Department of Energy to guard the chicken coop—that is a word that I used earlier—but that is a word that the eminent judges of the Ninth Circuit Court of Appeals used, maybe not very legalistic, but very descriptive, maybe not something you would find in a Harvard law review article, but something that the Ninth Circuit Court of Appeals used, permitting DOE to guard the chicken coop alone would violate the statutory finding of State participation in oversight of DOE is essential in order to promote public confidence in the safety of disposal of nuclear waste.

(Mr. BINGAMAN assumed the Chair.)

Mr. REID. Mr. President, I talked earlier, before the Senator from New Mexico took the Chair, about some of the concerns the State of Nevada had. I talked about why it was important to discuss restrictions on meaningful State participation, consultation and oversight.

When I talked about the things the Department of Energy had not done, I was not basing this on what HARRY REID thought that they had not done. I did not base it on what this Senator from Nevada thought that they had or had not done.

I have pretty good backup for that. The Ninth Circuit Court of Appeals said:

> Permitting DOE to guard the chicken coop alone would violate the statutory finding that State participation in oversight of DOE is essential in order to promote public confidence in the safety of disposal of nuclear waste.

The Ninth Circuit Court of Appeals agrees that the Department of Energy had this responsibility. You know, it is interesting, Mr. President, we had to go to court, the State of Nevada had to go to court to have its legal rights addressed. The Ninth Circuit Court of Appeals said:

> Permitting DOE to guard the chicken coop alone would violate the statutory finding that State participation in oversight of DOE is essential in order to promote public confidence in the safety of disposal of nuclear waste.

What the Ninth Circuit Court of Appeals said, and they could not say it more graphically than they did, they talked about the chicken being guarded by the fox.

And they said that one thing alone—they did not go into the fact, at least in this part of the opinion, that they violated the law in other ways. They did not follow their own regulations. They did not follow their own scientific findings.

It is interesting, Mr. President, since you have taken the Chair to point out a couple of things again. I think it is important to note what not this Senator said but what a committee from the other body said about what the Department of Energy had done in the selection process.

They said it appears that the Department of Energy manipulated data, weighted factors and analytic techniques to arrive at predetermined set of sites. In addition the Department of Energy ignored findings and recommendations of its own technical staff and National Academy of Sciences and misconstrued the Nuclear Waste Policy Act.

They went on further to say, this congressional committee, we found conclusive evidence in many cases supplied by the Department of Energy's own internal documents, which led us to only one possible conclusion. The Department of Energy distorted and disregarded its won scientific analyses.

A review, they further said, of internal DOE documents, strongly suggests that DOE had decided on the three sites prior to completion of the methodology report and then tailored the methodology report to justify the final decision, and that is not the end, Mr. President.

Further, DOE suppressed information unfavorable to its position and in conclusion, they said DOE's decision is seriously flawed and totally unsupportable.

So not only do we have a committee of this Congress saying how unfair, unjust, and illegal the actions of the Department of Energy have been in this area, but we have the Ninth Circuit Court of Appeals saying while we are trying to defend ourselves, they are saying permitting DOE to guard the chicken coop alone would violate the statutory finding of the State participation in the oversight of DOE is essential in order to promote public confidence in the safety of disposable nuclear waste.

That is part of the language that the court wrote in arriving at a favorable decision for the State of Nevada, that is that under the act the DOE had to fund independent testing and evaluation for scientific and technical matters.

Well, you would think that would end it, would you not, Mr. President?

But it does not. It does not end it, because despite the ruling of the Ninth Circuit Court of Appeals—now this is not a ruling of a justice of the peace of a township in Nevada, this is a ruling of the Ninth Circuit Court of Appeals. There is only one place to go after that and that is the U.S. Supreme Court. Normally, when something reaches one of the circuit courts that is the end of it. So, despite this very, very high court ruling, a court that has the prestige that the majority of the nominees of this President and other Presidents have come, at least that is my knowledge in recent years, the nominations have come from this eminent court, in spite of that we are still experiencing continual battles with the DOE over the funding for the State even though they lost. We are going to have to continue fighting this in the courts again and this, of course, has delayed and limited our testing and data collection program.

The serious part about this, Mr. President, is you know the State of Nevada is not the smallest State any more and we are moving up in population. I think we are 42d or something like that.

But we do not have the resources of the Federal Government. We do not have an unending supply of money. We cannot bill the Federal Government for our attorneys' fees. These attorneys' fees come from the taxpayers of the State of Nevada, the small State of Nevada.

We believe so strongly in our rights that we are filing cases in court to protect ourselves. We are winning, but it is an expensive proposition.

So, we have talked about there having been previously some 40-odd lawsuits that have been filed or are now pending. That was the last count. You know, there may be 42 or 43. But they are going on all the time. Why? Because the Department of Energy simply will not follow their own law.

And you know the interesting thing—I had to check with my staff here to make sure that I was right; I have been talking for a little while and I wanted to make sure my thoughts were in shape, and they are—under this legislation on an appropriation bill, that is one of the things that this unique piece of legislation does: basically stop the ability of the State of Washington, State of Nevada, the MRS States to go to court. They set up a kangaroo court which is worthless.

So we have had experience with the Department of Energy and we have had to defend ourselves in court. And thank goodness we have had the courts. If we did not have the courts, they would have just steamrolled us.

We have already been fairly well steamrolled, but at least we have had the ability to go to court. And that is the way it was under the act.

Like most Members of Congress—and there are some exceptions—but like most Members of Congress, I am not a scientist and, therefore, I find it difficult to attempt, on many occasions, to personally make factual determinations on most scientific and technical questions.

However, as an elected Member of this body, I am keenly aware of the importance of ensuring that significant scientific and technical concerns are adequately addressed.

One of the very fine experiences of my political career was to be able to serve on the Committee on Science and Technology in the House of Representatives, the other body. Serving on that Committee on Science and Technology, as a person who does not have a scientific background and, frankly, a person who—I hope my children are not watching and listening—but somebody who really did not like math, really was not wild about the science courses I took, I was amazed at how much I enjoyed that committee.

I was amazed at how the then chairman, DON FUQUA, from Florida, who had served 28 to 30 years in the Congress before he retired, what a fine job he did running the committee. But what a good understanding I developed of the importance of science and technology for this country.

And I still am not a scientist, but I am now more than ever aware, based on that experience I had in the other body on that committee, where we dealt with the scientific and technical problems that this country faces, how important it is that we as a Congress be interested in scientific problems, even though our backgrounds may be in the law, may be in education, those of us who are not scientists. There are scientists in this body. The first one that comes to my mind is the senior Senator from the State of Montana, who is a doctor of veterinarian medicine and who does have a scientific background and probably understands a lot of scientific things which are very good for his State. But, those of us without scientific backgrounds still must be interested in the scientific problems in this country.

So as an elected Senator, even though I do not have a scientific background, I am concerned about scientific questions and problems that confront this country.

Now, dealing with nuclear waste, I am not an expert on nuclear waste even though I have spent months of my time studying the issue. My statement is especially true with regard to the siting of high-level nuclear waste, that is a repository for it.

We must be concerned, even though we do not understand line by line, section by section, the scientific makeup of the compounds that go into this repository or why even they are radioactive. But I know, as every person in the State of Nevada knows, and I believe many people in this country know, the fear that we have of high-level nuclear waste. This fear of high-level nuclear waste did not develop out of the blue. It did not develop, as the term is used around here, with smoke and mirrors. The fear of nuclear waste has developed, rightfully so, and is connected with words like Chernobyl, a word that no one, and I would doubt very few people in this Congress, had ever heard prior to that catastrophe in Chernobyl.

Of course, we all know about Three Mile Island. There are still repercussions from Three Mile Island.

So nuclear waste and the fear of it, it is not something that suddenly somebody said, "I'm going to be afraid of nuclear waste."

We have talked earlier today about atmospheric tests. We have talked about other things that make it so that people are afraid of high-level nuclear waste and should be. And we have got to be concerned about the scientific aspects of it.

As I mentioned before, when we are talking about high-level nuclear waste, I cannot debate a scientist on high-level nuclear waste, but I can tell him about some of the practical concerns that the people of the State of Nevada have that relate to high-level nuclear waste. This is especially true as it relates to an unprecedented critical review of health and safety questions and an unprecedented engineering and scientific evaluation to be absolutely certain that these highly dangerous wastes which remain deadly not for days, weeks, months, but for thousands of years are totally contained away from man's accessible environment, essentially forever.

And we must rely on the scientific community to do that for us. We have to rely on the scientific community to make sure that these deadly poisons are contained away from man's accessible environment, essentially forever.

Nevada has a number of scientific and technical concerns with regard to the suitability of the Yucca Mountain site as a repository. Obviously, such questions would have to be satisfactorily resolved before anyone could know whether the Nevada site would be qualified for licensing. And again we have talked about that. We have talked about the concerns the Nuclear Regulatory Commission has.

However, if we were to assume that after the detailed study the Yucca Mountain site would appear to be qualified, that is, it could be a safe site, I want to make it absolutely clear that we would still never be willing to accept a repository under the present DOE program, and the present program includes the one that is under this bill, this legislation on an appropriations bill.

We believe, the State of Nevada believes there are, in fact, many good technically suitable sites throughout the United States, but why should we not approach them in a way that is fair? Why should we not approach them pursuant to the act? Why should we not approach them in keeping with the language of the President of the United States when he said:

> Almost a dozen congressional committees were involved in this legislation. But, with bipartisan support and cooperation from industry, labor, and environmental groups, we managed to get it through the process. It is a bill that is good for these groups because it is good for America.

This legislation represents a milestone for progress and the ability of our democratic system to resolve a sophisticated and divisive issue.

As I will highlight for the next little bit, I think it is unfair what has transpired in this. In addition to these disqualifying features that I have talked about—and we are going to, throughout the next while, outline some technical and scientific concerns that we have not talked about before, and maybe some that we have talked about before we will try to elaborate on—because scientists, not only Nevada scientists, but scientists and technicians have concluded that on the basis of a reasonable, conservative interpretation of the available data on Yucca Mountain, five disqualifying conditions from DOE's siting guidelines may be present. These disqualifying conditions relate to post-closure tectonics, preclosure tectonics, geohydrology, off-site installations and operations and socioeconomic impacts caused by water degradation.

We will talk in more detail about these, but there are some other concerns that we have as a State. I talk about State concerns. There are, in addition to the concerns that the States have, there are concerns that, for example, environmental groups have, cities have. So it is not just the States. But let us talk about some additional Nevada technical concerns.

In addition to these disqualifying features, Nevada's technicians and scientists have identified other areas of major concern in this available evidence about the site which suggests that positive findings cannot be made at the present time as DOE has done in the environmental assessment, and that possibly disqualifying conditions are present. Such concerns include volcanic activity, tectonic activity, fault activity, geohydrology, climate changes, geochemistry, radionuclide retardation, mineral stability, rock stability, natural resources, and water rights.

Not the least important is the last that I mentioned, water rights. Top technical experts in the State of Nevada have expressed concerns. The DOE is obligated, but they have not followed through on that, to explain further these potentially disqualifying features of the Yucca Mountain site. Let me comment briefly on these, the scope and significance of these concerns.

The Department of Energy's analysis was based upon siting guidelines which we and many other parties have challenged as not only being inadequate but also being illegal. But even if you assume the guidelines are valid, our review of DOE's technical and scientific work, admittedly limited because of DOE's constant stonewalling in funding or requests for studies, have shown that DOE has simply failed to address major technical areas, disregarding technical data or avoiding collecting disqualifying data and failed to consider a range of likely or possible interpretations of actual data and data produced by modeling.

Such unscientific and clearly biased methods have led DOE to make overly favorable or optimistic conclusions with respect to the suitability of Yucca Mountain. The only conclusion DOE reasonably ought to be able to draw from its studies today, if they can be considered reliable at all, is that potentially disqualifying conditions at the site cannot be ruled out at this time and in a number of instances may well be present.

I must emphasize, Mr. President, that the State has repeatedly raised their concerns, technical in nature, with the Department of Energy. The fact that the Department of Energy refuses to give most of these concerns serious consideration is very alarming. This approach of disregarding our concerns instead of making a good-faith attempt to resolve them is typical of DOE's whole approach to the State's participation in these programs.

Mr. President, instead of calming our fears, they arrogantly disregard and therefore increase them. You would think it would be just the opposite. There have been a number of questions that have been raised at various levels; concerns very similar to some of those noted by the State. The NRC is an example. They have raised concerns such as that DOE has drawn overoptimistic conclusions with respect to the suitability of the Yucca Mountain site.

Other serious open questions identified by the NRC staff include inadequacies and even omissions in DOE's work on faults and fault reactivation due to nuclear testing, hydrothermal activity, the presence of natural resources, overreliance on geochemical properties, ground water time calculations and overreliance on engineered barrier systems.

There are, thus, many unresolved issues with regard to the technical suitability of Yucca Mountain.

Mr. RUDMAN. Would the Senator yield for a question, retaining his right to the floor?

Mr. REID. The Senator would be glad to yield for a brief question without yielding my right to the floor.

Mr. RUDMAN. I thank the Senator. It is a procedural question. Many of us are wondering what we ought to do with our evening's plans. Would the Senator inform me if this discussion is going to take place for several hours? If they could inform us on that, the Senators from Washington and Nevada, at least people could make some plans and come back and hear the rest of this very interesting discussion later on this evening.

Mr. REID. I would be happy to claim the floor and answer that the best way that I can. I think it is clear that I have a lot more to talk about. Unless there is some request from the majority leader, I am going to continue discussing nuclear waste as it impacts Nevada for the foreseeable future.

Mr. RUDMAN. I am assuming my friend is telling me that this discussion is going to go on into the early or mid part of the evening.

Mr. REID. It is very likely that will be the case, unless there is some request from the majority leader.

Mr. RUDMAN. I thank my friend very much for his candid answer.

Mr. REID. The Senator from New Hampshire is welcome.

The NRC staff recently raised questions, as I indicated. Some of these questions, I think, are quite interesting. I have talked about them at various times today. I have talked about hydrothermal activity, the presence of natural resources, overreliance on geochemical properties, ground water travel time calculations, overreliance on engineered barrier systems. Any one of these items that I have just mentioned deserves a great deal of conversation. Because each one of them, as far as the DOE and their action with the State of Nevada, has been improper and inadequate and wrong.

So when you have somebody who raises these issues for you, like the NRC, it goes back to what I have said before. We had a lot of conversation here during the day about many in the other body who were very, very critical of what the Department of Energy had done. Then you tie that in with not only what the committee has done but you tie that in with what the Ninth Circuit Court of Appeals has said, and now we are going to talk about what the Nuclear Regulatory Commission has said.

They said, and this is not the Senator from Nevada, the Nuclear Regulatory Commission raised concerns similar to those that I raised earlier, or maybe I should say in confirmation of

those that I raised earlier, or maybe I should say to underscore the concerns that I raised earlier, to emphasize the concerns that I raised earlier, because the NRC staff said that there are other serious, open questions, including inadequacies and even omissions, DOE's work on faults and fault reactivation due to nuclear testing, something DOE is not concerned about; hydrothermal activity; the presence of natural resources; over-reliance on geochemical properties; ground water travel time calculations, and over-reliance on engineered barrier systems.

There are thus many unresolved issues with regard to the technical suitability of Yucca Mountain.

The talk that I have made today has dealt principally with Nevada. But each of the sites, especially Washington, could go into why they have been treated unfairly because the Department of Energy has refused to follow the law. Again, this is not the Senator from Nevada saying this. I have established over the last little while a lot of backup for my position. I have established a lot of backup for my position.

So the concerns that have been raised are significant. They are significant for Nevada. The other States have stories they also can tell. That is why it would have been so much better, so much easier, so much more in keeping with the statement that the President of the United States made upon signing this bill, if simply the DOE had followed the law, had followed their regulations. But they did not do it. That is why we are in the quagmire we are in today.

We have arrived at this point where we are on a very important bill, an appropriations bill. I take my hat off to the majority leader for moving this legislation through the Congress this year. Last year, we had no appropriations bills from this body, as I understand it, and this year we are up seven, eight, or nine appropriations bills. This is an important appropriations bill that is now before this body, and it is too bad that we have this junk on the bill. It is too bad that this is on an appropriations bill, which should shoot through this body because there is much-needed funding for important programs that are in this bill. It is too bad we have this on the bill which is slowing up this very important legislation.

It is too bad that we are not able to move today a bill over to the other body, another appropriations bill. We are knocking them off. We are getting through those appropriations bills.

The majority leader and the chairman of the Appropriations Committee, and I think there has to be credit given to the minority leader, have moved this legislation. It is commendable. The American people should know that we are moving a lot of important legislation.

But it is also important that rules are rules, and the Senate has rules. We are a body of rules. That is why this body has a reputation that it has developed over these 200 years, a debating society, but debating which only takes place under certain fixed guidelines and rules.

That is why there is a rule which says you cannot have legislation on an appropriations bill. Why not take the junk off the bill? Then we would get this appropriations bill out of here quickly. I think we would get it out very, very quickly.

But, no, we are not doing that.

Without elaborating on that point, I think that it would be expeditious if, in fact, this amendment were taken off this bill, this legislation on an appropriations bill. I would also state that if that were the case, it would be unnecessary to spend all this time on nuclear waste during the time that we should be discussing an appropriations bill.

In that appropriations bill there are things that are important all over this country, but principally the West, all kinds of important projects in the Western part of the United States in that appropriations bill. We should not be spending all this time on nuclear waste. We are spending a lot of time on Nevada, with a lot more to go. Washington has a lot to say. I am sure Texas will come in.

I am sure there will be other Members of this body who will have something to say about nuclear waste.

I would hope that the Members of this body who have very important matters in the appropriations bill, important to their States, would urge that this legislative matter be taken off the appropriations bill. It has no right, no reason, to be here. It is not within keeping of the rules of this body. It should go off. It is not right that it is here.

I have talked about the backup that we have gotten, as I indicated, from the ninth circuit court of appeals, from the other body in comments from the committee, competent jurisdiction. I have talked about the Nuclear Regulatory Commission. They have raised concerns.

DOE's record gives us no confidence that it will ever be able to resolve those questions in a scientifically acceptable manner.

When I talk about those questions, I am talking about fault reactivation due to nuclear testing, hydrothermal activity, the presence of natural resources, overreliance on geochemical properties, ground water travel time calculations, and overreliance on engineered barrier systems.

The State of Nevada does not feel that DOE's record gives us confidence that it will ever be able to resolve those questions in a scientifically acceptable manner.

The NRC, which ultimately will have to license the repository site, naturally cannot make a judgment on the limited data available at this point as to what sites will be licensed or qualified. But, remember, in legislating on this bill there will only be one site, and if they cannot license that one, all the time and money will be wasted, and they will have to start from square one again.

Therefore, those who think Yucca Mountain is clearly qualified are sadly mistaken. If there are those who think Yucca Mountain is qualified a little bit if they had followed the rules, they have not followed the rules.

Let us talk about lack of quality assurance controls. Mr. President, finally, as we talk about lack of quality assurance controls you should be aware of the fact that little of the technical information that DOE and its contractors have gathered—we already talked about the possible conflict of interest between the contractors who are gathering the data. There is no need to reemphasize it.

Finally, you should be aware of the fact that little of the technical information that DOE and its contractors have gathered and which DOE used as a basis for its May 28, 1986, decision to recommend Yucca Mountain was obtained pursuant to a quality assurance program. In fact, stop work orders have been currently in effect at the Nevada test site due to this problem.

As the General Accounting Office has recently pointed out:

> The lack of quality control has the potential to cause considerable problems. For example, Nevada DOE officials told us that the Geological Survey failed to properly document or maintain documentation on the core samples obtained from the bore holes near the Yucca Mountain site. As a result, the project office may be unable to prove that this core came from this hole at this depth, which means that tests performed on that core sample may not be able to be validated and, if not, might not be accepted by the NRC in the licensing process.

This statement was made in March of this year. This is not a statement that predates the 1982 act. This is a new statement—March of this year.

What did the General Accounting Office say? Let me repeat:

> The lack of quality control has the potential to cause considerable problems. For example, Nevada DOE officials told us that the Geological Survey failed to properly document or maintain documentation on the core samples obtained from the bore holes near the Yucca Mountain site. As a result, the project office may be unable to prove that this core came from the hole at this depth, which means that tests performed on that core sample may not be able to be validated and, if not, might not be accepted by the NRC in the licensing process.

Mr. President, I think that is important. The licensing body for the ultimate repository is the NRC. In addition to what I have said, that they do

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not like the way the characterization is going forward, look at this statement. The ninth circuit, the committee in the other body, the National Regulatory Commission, now we have the GAO. It is hard to keep all the critics in order, Mr. President. In fact, I think I better write them down. We have the Ninth Circuit Court of Appeals. We have the House of Representatives. We have the NRC. We have the GAO. And as I said earlier in my statement, as the chairman of the Interior Committee has said on a number of occasions, everything has been said but not everyone said it. Well, we are getting close to the point, Mr. President, where everyone has said it. Everyone has said that the process is flawed. Everyone has said that they have been unfair—the Department of Energy. Everyone has said that they have not followed the law. Everyone has said they have not followed their own regulations. Everyone has said they have not followed their own scientific findings. They have been unfair.

Quality assurance deficiencies in DOE's technical information, combined with DOE's overly optimistic analysis of that technical information, and its many other questionable program practices suggest that DOE may never be able to carry its burden of proof in licensing the Yucca Mountain site, or indeed any of the other recommended sites.

The process by which DOE recommended the three sites for characterization demonstrates quite clearly how DOE has misimplemented the act and politicized its decisionmaking in order to justify preselection of Yucca Mountain and Hanford.

In December 1984, DOE issued draft Environmental Assessments in which it tentatively recommended Yucca Mountain, Hanford, and Deaf Smith.

These sites are in the State of Nevada, the State of Washington, and the State of Texas.

These recommendations supposedly were based upon: First, the earlier-noted fatally flawed siting guidelines; second, Environmental Assessments which have been shown to be grossly inadequate and riddled with questionable data and unsound conclusions; and third, three proposed ranking methodologies, various aspects of which have been sharply criticized by many parties including the National Academy of Sciences.

I am changing directions for just a minute here, maybe to proceed to something a little lighter for just a couple of minutes.

I have learned a great deal about nuclear waste during the past few years. But in the process of learning about nuclear waste I have learned about other things. Someone from Texas told me this story as I was talking about the Deaf Smith site, and I guess this being spread on the record now I will determine whether or not it in fact is factual.

In Texas I am told—in fact I attended a meeting when I was in the other body and was talking about Yucca Mountain, Hanford, and Deaf Smith. When I finished talking about Deaf Smith, the man from Texas said to me, "Do you know how Deaf Smith got its name?" I was told that Deaf Smith County, TX, was named after Deaf Smith, who was one of Sam Houston's scouts, probably his most famous, and he was in fact deaf. He also told me something else that I felt was interesting. In Texas, football is the big sport. Texas is where they have had Governors' races decided on what should happen in high school football. In this area of Deaf Smith, TX, they have a rivalry that has been going on for many years between two high schools. And again in spreading this on the record we will find out if this lobbyist from Texas, who told me this story, was factual in his historical knowledge of Texas. He said that in this area of Deaf Smith, TX, there are two high schools that have a great rivalry. They play each other every year.

One school is located in Hereford, TX, and the name of their team is the Hereford White Faces. The interesting part of this as far as I am concerned is that their chief rival is from a town called Whiteface, TX, and that their name is the Whiteface Herefords. And so every year the Whiteface Herefords play the Hereford White Faces.

So I have learned not only about nuclear waste but about football competition between schools with very unusual names such as the Whiteface Herfords and the Hereford White Faces. I wonder if they really do play each other.

Mr. President, I would like to switch from football back to nuclear waste and talk a little bit about the Department of Energy's biased and politicized site nominations and selection process.

The process by which DOE recommended the three sites for characterization demonstrates, as I mentioned just a short time ago, clearly how that Department has misimplemented the act and politicized its decisionmaking in order to justify preselection of two places, Hanford and Yucca Mountain.

In December 1984 the Department of Energy issued the draft environmental assessments in which it tentatively recommended Yucca Mountain, Hanford, and Deaf Smith. These recommendations supposedly were based upon the earlier noted fatally flawed siting guidelines that we have talked a lot about tonight, and, two, the environmental assessments which have been shown to be grossly inadequate and riddled with questionable data and unsound conclusions, and, three, three proposed ranking methodologies, both aspects of which are sharply criticized by many parties including the National Academy of Sciences.

We have a cover mechanism in all of this, but I will spend a little bit of time on it. It is called the MUA. It is, as I have said, the bureaucrats' cover mechanism. The MUA is referred to as a multiattribute utility analysis. DOE developed the multiattribute utility analysis ranking methodology and purported to apply this new methodology to the available data on the five nominated sites. This time DOE characterized the MUA ranking methodology as a decision-aiding tool. This enabled DOE to recommend the same three sites for characterization even though the MUA, if followed strictly, would have required DOE to recommend different sites.

We have talked about how other people, other agencies, other organizations, have talked about how unfairly these three sites were selected, how they were predetermined, how they knew which card was on the top of the deck. They knew how the cards were stacked. They knew what was coming up next. The law meant nothing to them, the regulations meant less, and their own scientific findings meant even less.

With this bureaucrat's cover mechanism which anyone could see coming—they telegraphed it—this enabled the DOE to recommend the three same sites for characterization. Any objective person who looks at that could see what they did. The State was denied any opportunity to comment on this which we believe has many questionable elements even if it had been properly followed which it was not. To many of us, even the name multiattribute utility analysis suggests it is mainly a bureaucrat's device to get his way.

The House did an investigation. We have talked about that, or about part of it. On May 28, 1986, after a site recommendation decision the staffs of the House Energy and Commerce and Interior Subcommittees performed an investigation of DOE's implementation of the so-called multiattribute utility analysis.

Their report issued on October 21, 1986, documents DOE's substantial bias in favor of the selection of Yucca Mountain and Hanford and its blatant politicization of the process.

In transmitting the report to Secretary of Energy Herrington, the subcommittee chairman and other members asked the Secretary to initiate a review of the site selection process carried out under the MUA on the basis of conclusive evidence, in many cases supplied by DOE's own internal documents which lead us to only one possible conclusion. The Department of

Energy distorted and disregarded its own scientific analysis. Where have we heard that before? Preselection was confirmed. The subcommittee report demonstrates that the Department of Energy's not only manipulation, gross manipulation, of the multiattribute utility analysis and other criteria deliberately excluded from the so-called MUA such as rock diversity to justify its preselection of Yucca Mountain and Hanford. A review of internal DOE documents strongly suggest that DOE had decided on three sites prior to completion of that methodology report, and then tailored the methodology report to justify the final decision.

DOE failed to include the criterion of rock diversity in the MUA as its own consultants had earlier recommended. Instead, DOE employed rock diversity as an overriding criterion. Under this approach, the preselection of Yucca Mountain and Hanford was confirmed because Yucca Mountain was the only tuff site, and you got it. Hanford was the only basalt site under consideration.

They were preselected. The manipulation of the Department of Energy preordained, preselected, the choice had already been made, and DOE was not going to follow the law and the regulations and their own scientific findings.

In addition to all of this biased value judgments, the report also documents how the Department of Energy's use of its own technical staff to make value judgments and tradeoffs resulted in substantial bias in favor of selection of Yucca Mountain and Hanford. For example, an expert in multiattribute utility analysis asked DOE officials to develop monetary values for various socioeconomic, esthetic, and environmental factors.

As we talked before but not enough, as we talked before, these considerations, esthetic and environmental factors, the Department of Energy rated higher, more heavily, than health and safety concerns, health and safety considerations. Boy, that is hard to believe. No matter how many times I say it, it still is hard to comprehend—that they would place health and safety considerations of a lesser value, of a lesser weight, than the esthetic and environmental factors. Yucca Mountain and Hanford, as these same DOE officials well knew from their work on the draft environmental assessments, would score better than the salt sites on socioeconomic and environmental factors but worse than the salt sites on health and safety factors—again, preselected, preordained, and the choice had been made. The cards had been stacked but they knew where they were—"they" meaning the DOE.

(Mr. FOWLER assumed the chair.)

So it is very simple: As a result, Yucca Mountain and Hanford rank higher than they should have, had these factors been more realistically weighted.

Mr. President, I think it is important to again consider how this impacts not only upon the communities of Hanford and the areas around Yucca Mountain, on the States of Washington and Nevada, but also upon this country; to understand what has been done to a process, a good process. People spent years of their lives in this body and the other body trying to come up with a fair procedure, and they came up with a fair procedure, but it was circumvented; it was gone around. The law was violated. Their own regulations were violated.

We have some pretty good authority for this. This is not the Senator from Nevada talking. This is backed up by the Ninth Circuit Court of Appeals, by committees in the other body, by the Nuclear Regulatory Commission, by the General Accounting Office. This is not some little thing that has happened overnight and we are going to attach a piece of legislation to an appropriation bill and just be rid of it.

This piece of legislation should not be on an appropriation bill. It is too complicated. You can say whatever you want, but the chairman of the full committee is also the chairman of this committee. There were no hearings held in the Appropriations Committee on this issue, and there are other committees which do seek jurisdictional aspects of this legislation.

I say to my friend from Louisiana, the senior Senator, that he also has been responsible for the appropriation bills moving through this body as they have this year. They have really whipped through compared to last year. It is about nine to nothing. We should get another bill through. There should not be this legislation on this appropriation bill. It violates the rules of this body. It violates the spirit and intent and the rules of the Appropriations Committee itself. It should not be here.

Then, after we talk about what has happened to the process, a process that started out on January 7, 1982, as a process that would establish the New Federalism, it would be the first test of New Federalism, but that was thrown in the garbage by the Department of Energy as soon as the ink was dry; because they had their own law, which was not passed by this Congress and was not signed by the President. Their law was something they had in mind that they knew better than we knew. They knew better than Congress; they knew better than the President. They knew better than the 12 committees of Congress that reviewed this legislation. They wanted their own law: "Congress does not know as much as we know, and they have this silly provision in the law that to make it better for the States, we have to cooperate with them." They did not follow any of that.

So I think it is high time we removed this legislation from the appropriation bill. I think it is high time we move this appropriation bill to the other body, where it belongs.

There are matters that deal with energy and water appropriation that are in this bill which Members of this body need to have in their States. Members of the other body need to get the legislation out. We need to get the bill to the White House so the President can sign it, so that this does not have to be part of the continuing resolution. We need to do our job to get an appropriation bill to conference for energy and water. We need to get a bill to the President. This is not the place to handle nuclear waste, on the floor of the Senate.

Everybody, I am sure, also recognizes that the reasons we are doing it here is that there is a possibility, probably not a very good one, that if the bill gets out in this fashion, this legislation would circumvent the committees that have spent the time on it. How would it do that? I would go directly to the Appropriations Committee, and Chairman DINGELL and Chairman UDALL and others would not be able to put the years of their experience, their stamp, on this legislation. That is why it is being done. But, realistically recognizing the rules of the other body—they have a Rules Committee—I think it is important to know that we are wasting a lot of time; because I do not think that the chairman of the Rules Committee, Senator PEPPER, is going to let two major committees which have spent years working on this legislation—I do not think Senator PEPPER and his Rules Committee will allow those committee chairmen to be taken out of the process, to be taken out of the loop.

So, why do we not get to appropriation? Why do we not get to the energy and water appropriations bill? I have stuff in that. I have things in that bill that the people of the State of Nevada need. Every Member of this body does. But what this body does not need is this legislation dealing with nuclear waste on an energy and water appropriations bill. It is violative of the rules of the Appropriations Committee, violative of the rules of this body. That is what we should be doing.

We should be doing that, not only educating people on the dangers of nuclear waste generally but educating the Members on the Department of Energy's travesty on nuclear waste repository site selection, but that is what we are doing and we are going to have to keep doing it, Mr. President, because to do anything else would be wrong. To do anything else would be wrong. This is legislation on an appro-

priations bill and we should not have it.

I talked a short time ago about how the DOE's biased and politicized site nomination and selection process was bad, and I talked about that and I talked about the bureaucrats cover mechanism, the famous MUA.

Mr. President, in case you missed it, I am sure that you would like to know that MUA stands for multiattribute utility analysis. We talked about that. We talked about the House investigations and discovery of abuses. We talked about preselection being confirmed. We talked and we are going to talk right now about biased value judgments.

The report also documents how DOE's use of its own technical staff to make value judgments and tradeoffs resulted in substantial bias in favor of selection of Yucca Mountain and Hanford. For example, an expert in multiattribute utility analysis asked DOE officials to develop monetary values for various social, economic, aesthetic, and environmental factors.

As I have said on one other occasion, every time I say this, it is as astounding as the first time I said it. Can you imagine that the Department of Energy weighted aesthetic and environmental factors more heavily than health and safety considerations?

We are not talking about the aesthetics of an automobile, that is, whether it is a Mercedes Benz or a Chevrolet. We are not talking about environmental factors dealing with catalytic converters. We are dealing with nuclear waste. We are dealing with the most poisonous substance that is known to man, plutonium. That is what is in this stuff. And the Department of Energy weighted aesthetics and environmental factors higher than health and safety.

How can we accept this? How can the Senator from Washington and how can the Senator from Nevada go home and explain to our constituents that we got a fair deal? They did not. The people of our States have been cheated. How could you weigh more heavily aesthetically and environmental factors than health and safety considerations?

For the fourth time, every time I say it, it is as astounding as it was the first time. It is unbelievable. It is incredible.

Yucca Mountain and Hanford, as these same DOE officials well knew from their work on the draft of an environment assessment, would score better than the salt sites on social, economic, and environmental factors but salt sites were worse than health and safety factors. That is really wrong that they would do that. It is wrong.

As a result, of course, Yucca Mountain and Hanford rank higher than they should have, had these factors been more realistically weighed.

Mr. President, I want to talk for just a little bit about repository and transportation costs which were included.

I talked a little bit about the subcommittee study, and let us talk a little more about that. It shows that the DOE, the Department of Energy—as I said before, if you say DOE you lose the impact—that is a cabinet level bureau, the Department of Energy—completely ignored repository and transportation costs and recommending the three sites for characterization.

It did so notwithstanding the act's clear statutory requirement that these factors be considered.

Let me read that again. I want to make sure that before I go to my next statement we all understand that.

The subcommittee study shows that DOE completely ignored repository and transportation costs in recommending the three sites for characterization. It did so notwithstanding the act's clear statutory requirement that these factors be considered.

The State's own limited review of certain DOE documents the House subcommittee used as a basis for their report—Mr. President, you were not here earlier, but I think it is important to bring out again that these are the documents that we have—a lot of them were destroyed, lost, thrown away. We do not know where they are. But I guess it really does not matter, we are only talking about a multibillion-dollar program. I guess it is OK if they stick them in a drawer and do not remember where they put them or they erase the computer tapes or they throw them away or they destroy them or they lost them. It does not matter much. It only deals with a program, as the Senator from Louisiana said, the three sites, now it is going to cost $6 billion, something like that to characterize those.

So, it is not really important to have all the papers to determine how they did it to find out if it was fair. But from the few papers that we do have, our own limited review of certain DOE documents used for the basis of that report reveals some other interesting phenomenon about the cost figures that DOE employed.

It seems to be that the Department of Energy cost estimates for each site under consideration were not based upon equivalent data. The cost estimates for the salt sites were updated as of February 1986. Until that time, the Department of Energy has hypothesized that the cost of developing a repository at the salt sites would be roughly equivalent to the cost estimates DOE has developed much earlier for Yucca Mountain.

See, until that time, DOE has hypothesized that the cost of developing a repository at the salt sites would be roughly equivalent to the cost estimates the Department of Energy had developed much earlier for Yucca Mountain. Nevertheless, DOE apparently continued to use the same older cost figures for Yucca Mountain.

Naturally, the figures for Yucca Mountain would be less than the figures used for the salt sites.

Thus, cost comparisons were apparently not made on the basis of equivalent data.

DOE cleverly misused the NAS, National Academy of Sciences. Early on the National Academy of Sciences recognized this potential for bias in the MUA process in its 1985 study of the ranking methodology. NAS has concluded that MUA technique could be an appropriate device but warned that the MUA's must be implemented correctly and accurately to be useful and credible.

The NAS also recommended the DOE not use its own technical experts to assess performance of postclosure factors of each site but rather use outside experts to enhance the credibility of DOE's work. You have it.

DOE, of course, did not follow the National Academy of Science's advice.

We have to add another one to my list here. We have the ninth circuit court of appeals, the House of Representatives, the Nuclear Regulatory Commission, the General Accounting Office, and now we are going to add the NAS, the National Academy of Sciences. There are a few others, Mr. President, and I have kind of lost track of them here today. But the process to show how unfair, illegal, biased, preordained it was, do not listen to the Senator from Nevada or the Senator from the State of Washington. Listen to what the ninth circuit court of appeals has to say. Listen to what the House of Representatives, the other body, has to say. Listen to what the Nuclear Regulatory Commission has to say about what the Department of Energy has done. Listen to what the General Accounting Office has said. Listen to what the National Academy of Science have said. The list is ongoing. We are going to have others and I apologize to those other agencies and groups who have also joined in this almost unanimous criticism. I apologize to them for not having them on my so-called short list.

But, as I said, Mr. President, early on the National Academy of Sciences recognized this potential for bias in the MUA process in its 1985 study of the ranking methodology.

The National Academy of Sciences concluded that the MUA technique could be an appropriate device, but warned that the MUA must be implemented correctly and accurately to be useful and credible.

The NAS also recommended that DOE not use its own technical experts to assess performance of postclosure factors at each site but, rather, use

outside experts to enhance the credibility of DOE's work.

As I mentioned earlier, Mr. President, of course DOE did not follow the National Academy of Sciences' advice. But why should they? They did not follow their own scientific finding. Why should they follow somebody that is a recognized agency in the scientific field in the world community of science? Why should they follow the National Academy of Science when they did not follow the law, they did not follow their own recommendation, they refused to listen to the States who were allowed by law to have input. They did not allow that. So why should they do a simple little thing like do what the National Academy of Sciences want?

In 1986, the Department of Energy then asked again the National Academy of Sciences to conduct a second review of the application of the methodology. NAS did so only on a very limited basis and examined only the Department of Energy postclosure rankings.

Mr. BYRD. Mr. President, would the distinguished Senator yield to me for a question? He has a right to yield the floor for a question. Would he yield with the understanding that the resumption of his speech not be counted as a second speech; provided further that the Chair protect his rights to the fullest while I engage him in some questions?

Mr. REID. I will, of course, yield to the majority leader on the condition that I not lose my right to the floor and that I do not have a problem with the second speech.

Mr. JOHNSTON. Mr. President, is the Senator asking for unanimous consent?

Mr. BYRD. Mr. President, I asked consent—I will not ask the Senator to yield if I am going to cause him to lose the floor. I will protect him in that.

Mr. JOHNSTON. Mr. President——

Mr. BYRD. The Senator has a right to yield for a question.

Mr. JOHNSTON. Yes.

The PRESIDING OFFICER. The Senator has a right to yield for a question.

Mr. BYRD. I ask unanimous consent that his resumption of his speech thereafter, if he does yield, not count as a second speech against him. I do this for his protection, as I would protect any Senator.

Mr. JOHNSTON. Mr. President, reserving the right to object, I simply want to be clear. Certainly the Senator has a right to ask a question without unanimous consent as I understand it, just yielding for a question would not cause it to be a second speech.

Mr. BYRD. I wanted to be absolutely sure I protect this Senator, whether I am on his side or not. As majority leader, I do not intend to trap any Senator when I ask him questions. I want to see what his plans are for tonight so that the rest of us could know what to count on.

Mr. JOHNSTON. Mr. President, further reserving the right to object, I simply did not want the Senator to sit down and walk off the floor.

Mr. REID. I cannot hear the Senator from Louisiana.

Mr. JOHNSTON. Yes, I say, I think the Senator can ask the questions without getting unanimous consent. So, Mr. President, I would object at this time to unanimous consent.

Mr. BYRD. Mr. President, I think I know what I am doing here.

The PRESIDING OFFICER. The Chair will state that consent is not required for the Senator to yield for the purpose of a question, and it does not count as a second speech. He is yielding only for that purpose to the majority leader, and the Chair will protect his rights.

Mr. BYRD. I thank the Chair.

I did not want to do anything other than to ask a question, but I think I better say in asking my question that, as the majority leader, I insist on protecting a Senator who has the floor. Does not the Senator feel that I would also be just as zealous in protecting the rights of the manager of the bill as I would a Senator?

Mr. REID. Without question.

Mr. BYRD. Exactly. And I must be fair to all Senators in a situation like this. Does not the Senator think that?

Mr. REID. And the leader has always been fair, not only during the time I have been here which is a short period of time, but by reputation since you have been in the Senate.

Mr. BYRD. Well, it would not be my desire to tip the scales either toward the Senator or toward the manager of the bill in this effort I imagine here. So no Senator needs to stand and protect himself against this Senator at this point.

Now, how long does the Senator intend to speak without yielding the floor?

Mr. REID. Mr. Leader, I am convinced that I would speak for another 4½ hours or shortly after midnight.

Mr. BYRD. Is it the objective of the Senator—and he loses nothing by answering this question, by divulging his strategy, because if he is prepared to speak beyond midnight he certainly can do so.

I would say, as I perceived him, he appears to be a man in good health, considerably younger than some of us who have spoken much longer on this floor. Is he prepared to speak that long without leaving the floor?

Mr. REID. Yes.

Mr. BYRD. And I assume, therefore, that he has a purpose in speaking beyond midnight. What is his purpose in going beyond midnight?

Mr. REID. Well, in direct response to the latter, I have not had the opportunity the past 6 hours or so to weigh all of my alternatives, but the midnight hour is—I cannot cite a poem, as I am sure the leader could do—but that is a magical hour, and I am certain I can go that long and we will see what happens after that.

Mr. BYRD. Well, the Senator has not answered by question. I assume that his purpose is to prevent the distinguished Senator from Louisiana, who is the manager of the bill, from getting the floor, moving to table the amendment, and, if the manager is successful in tabling that amendment, then calling up an amendment and putting a cloture motion thereon. Is it a fair question to ask if that is the Senator's purpose, to prevent the manager of the bill from offering a cloture motion today?

Mr. REID. The majority leader is correct.

Mr. BYRD. I thank the Senator.

Mr. REID. The Senator from Nevada has the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. As I was saying, Mr. President, the National Academy of Sciences again criticized the Department of Energy for failing to involve outside groups of experts in the development of value judgments for preclosure analysis, for failing to consider differences among sites and pathways from the EPA accessible environment to biosphere, and for failing to include outside panels of experts in the site-ranking process beyond the National Academy of Sciences' own limited review.

Because of these failures, the National Academy of Sciences concluded, "The lack of external input in technical and value judgments could raise concerns about bias." Notwithstanding these serious criticisms and recognized shortcomings with the methodology, DOE has sought in effect to create the perception that its MUA process had been blessed fully by the National Academy of Sciences. We can entitle this a "guaranteed result."

In conclusion, the Department of Energy's manipulative and selective application of the MUA, together with the omission of key considerations such as rock diversity from the MUA, enabled the agency to recommend the same three sites it had originally tentatively recommended in December 1984 and actually selected for characterization long before that. The State of Nevada believes that Congress should study closely, certainly more closely than we have, DOE's decision documents on the MUA to see what other abuses, not what abuses, but what other abuses the agency may have brought in the process.

I think a discussion this afternoon, Mr. President, would not be complete unless we spent a little more time on the second site cancellation.

It is very clear that that was done solely for the purpose, political purpose, of withdrawing objection to this faulty process. And they did that.

They did that by simply saying: We will just delete, not by virtue of law, by some administrative procedure. By some administrative procedure, they are going to wipe out the law.

The law, of course, called for a second repository selection process, one that was deemed—that should take place in the Eastern part of the United States. So, the DOE, these nonelected people, decided what they would do is, rather than follow the law, they would just delete any part of it they did not like. They did not follow it so they just thought they would delete some part of it that they did not like and that is what they did. That is why we do not have a second-round siting process now.

No, in fact, what we are going to do is haul the poison thousands and thousands of miles across this country. We do not need to follow the law. Ha! It is there, but why should we follow it? We have not followed it to this point. We will be real cute this time because it will give us less objection to what we are trying to do.

What we will do is wipe it out.

Mr. BYRD. Mr. President, will the Senator yield for a question?

Mr. REID. Under the same conditions, Mr. Leader, that I do not yield my right to the floor and it is not considered a second speech.

Mr. BYRD. Mr. President, I thank the distinguished Senator. His answers to earlier questions I think were clear and gave an indication that his purpose in speaking beyond midnight would be to prevent the distinguished manager of the bill from getting the floor, moving to table the amendment, succeeding in that effort—if the manager does—offering his own amendment, the manager's own amendment: then offering a cloture motion on it prior to midnight, which cloture motion would mature the day after tomorrow, namely Friday.

I believe I understood the distinguished Senator to say that he is prepared, therefore, to go beyond midnight in which case a cloture motion then entered would not mature until Saturday, if the Senate is in, or Monday if the Senate is in, or Tuesday, if that is the next—first day that the Senate is in. Is that correct?

Mr. REID. That is my understanding, Mr. Leader.

Mr. BYRD. Would the Senator yield the floor at this time, allow the distinguished Senator from Louisiana to get the floor, make his motion to table if that is his plan—and I take it that it is—and if he is successful in doing so and calls up his own amendment; then, if the Senator from Louisiana is agreeable, therefore, having gone that far, to wait? If he is agreeable to wait until tomorrow to put the cloture motion in on the Senator from Louisiana's amendment? Would the Senator yield the floor at this time for such an understanding and order to be entered?

Mr. REID. Yes. Mr. Leader, I would ask at this time—Mr. Leader, if you could withhold and give me about 30 seconds—well, I may need 60—to confer with my staff and get my thoughts clear? Under the agreement that I would not lose the floor or it would not be considered a second speech? Sixty seconds?

Mr. BYRD. Yes. Well, the Senator would not be speaking a second speech on the same matter.

The matter on which he is now speaking would then be tabled, probably, I assume.

Oh, yes, the Senator has the floor——

Mr. REID. Mr. Leader, I would like 30 seconds to sum up what I have said here and then I think there is a 99-percent chance.

Mr. BYRD. Yes, Mr. President, I ask the Chair protect the Senator while he has an opportunity to counsel with the other Senator and staff.

The PRESIDING OFFICER. The Chair will.

Mr. REID. Mr. Leader, then, if I could regain the floor, I would like the leader to put the unanimous consent request.

Mr. BYRD. I am sorry; I did not understand.

Mr. REID. Is this going to be done by unanimous consent, Mr. Leader?

Mr. JOHNSTON. Mr. President, if the Senator would yield?

Mr. REID. For a question, under the same conditions as before.

Mr. JOHNSTON. I am prepared to withhold filing of the cloture petition until tomorrow.

Mr. REID. I certainly will take the word of the Senator from Louisiana for that. I would like, under this agreement, just a short time to conclude my remarks.

Mr. BYRD. Mr. President, I thank the manager of the bill.

Mr. REID. Finally, let me remind all Senators what is included in the pending amendment.

No. 1, it incorporates all committee amendments except those on nuclear waste, as well as House language approved by the Senate Appropriations Committee; No. 2, it preserves the rights of all Senators to offer amendments and it excludes only that language which incorporates major new legislative initiatives on nuclear waste.

The Senator from Nevada yields the floor under the agreement.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, first I want to say I have no desire to put my colleagues through the difficulty of staying here until midnight.

Second, I give my admiration to the Senator from Nevada for his physical strength in staying on the floor. He has persuaded me he has the strength to stay until midnight. While I think his physical prowess exceeds his good judgment at this moment, nevertheless my admiration is to him.

Mr. President, let me tell my colleagues what this is all about. This is, first of all, about saving $3.9 billion. Mr. President, if you do not understand how much money that is, in the so-called summit conference going on at this very minute, on which the future of the stock market depends, we are told, the figure pointed out, or the target figure for saving money for the whole discretionary budget, domestic discretionary budget, is $2.8 billion.

The amendment which we have reported out relative to nuclear waste saves $3.9 billion, almost twice as much.

Mr. President, it is a scandal, it is a scandal what we are spending on nuclear waste. How much we are wasting today. By the hundreds of millions of dollars, we are throwing it away.

Mr. President, we were just in Europe. We talked to the French about why is our nuclear program so uncommonly expensive? It is $3.9 billion just to pick a site. That is what we are talking about doing, is spending an additional $3.9 billion just to pick a site.

The French said, "Well, we have a rule that what it costs us over here a franc to do, we figure it costs you a dollar to do." I think the dollar is at 5 or 6 francs to 1.

In other words, Mr. President, we are pouring money down that nuclear waste repository rathole at a rate of 5 or 6 times what the French are spending. And every time we try to bring the program to a conclusion somebody says, "Delay, Delay. I am running for public office. It is my election year." Or "My people object." Or whatever it is. And we fix everything up safely, we get all the experts in, we get the National Academy of Sciences in, we get the Nuclear Regulatory Commission, we get the Department of Energy, we get the finest experts we can find in this country and we have them day after day after day and we say, "What is wrong with this nuclear waste program?" And they say, "Nothing is wrong with it except the States do not want to accept it."

Now, that is what is wrong with this program, Mr. President, and after all that work, after days and days and days of putting together a program which came out of the Energy Committee 17 to 2. Then the same program

came out of the Appropriations Committee by 19 to 6, and we are told, "Oh, no, we have got to wait some more time, have some more studies, do some more environmental impact statements."

We are not shortcutting the National Environmental Policy Act, Mr. President. There is application of NEPA under our amendment. But we do not want to build NEPA's upon NEPA's upon NEPA's for hundreds of millions of dollars and throw it down the rathole.

Mr. President, it is a scandal. It is an absolute scandal, what we are spending on nuclear waste, and we can avoid it if the Senate will just simply have the courage to face up to its responsibilities.

Mr. President, there is no other way to put it. You cannot justify further delay on any basis other than lack of courage, on the fact that Senators simply want to put the problem off.

It is sort of like that deficit, Mr. President. We have been talking about the deficit now year after year after year. What does the Senate do? We keep sweeping it under the rug. So, finally, when the stock market starts going to hell, then we go in and we have a summit conference. I hope we solve the problem.

Mr. President, we are right on the brink here with the nuclear waste program where we have a solution, a solution that has been reported out of the Energy and Natural Resources Committee 17 to 2, only 2 dissenting votes and 1 of those voted for it in the Appropriations Committee so it is 18 to 1. The only dissenting vote, really, in the committee was the distinguished senior Senator from Nevada who feels like his State is going to receive the waste. We can understand that.

It was virtually unanimous, Mr. President, that this program came out.

So we are told now that, no, that is not enough. We need to go back for a whole new set of hearings. We need to get more committees involved. We need to get more experts involved.

Mr. President, we have heard more objection today about what is wrong with the sites, what the DOE did wrong. You know, Mr. President, we had hearings, real hearings, not these kinds of filibusters on the floor of the Senate, and we put the witnesses up there to tell us what is wrong. "What is wrong with this program? What did DOE do wrong?

Mr. President, when put to the careful scrutiny of the light of day, the answer is what they did was correct. What they did was correct. That is what the National Academy of Sciences said. That is what the Nuclear Regulatory Commission says.

They might not have dotted every "i" and crossed every "t," but they did the right thing.

All of these objections from tectonics to water to hydraulics, and all the rest, you can resolve only by sinking an exploration shaft.

Mr. President, I can tell my distinguished friends—may we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JOHNSTON. I can tell my distinguished friends from Nevada and Washington that the worst thing that can happen to them is to win this fight. In the case of Nevada, Nevada thinks they are going to get it anyway. What they will do if they win this amendment is they will lose the benefits package. It is teetering right now on a very tenuous base anyway.

If they do not want it, well, there is no need to have it. But we felt that it was right and proper to do so. By putting it in, we are met with a filibuster, by one that I admire for his physical strength. But, Mr. President, that benefits package cannot continue to survive this kind of opposition.

Second, I would say to my distinguished friend from Washington the present law requires three characterizations. There is money in this bill that is not taken out by this amendment which would continue to require the three characterizations as well as the development of the eastern site. And, Mr. President, by delay, all you do is grind forward with that superexpensive program.

Mr. President, I say it is time for the Senate to face up to its responsibilities. The Senate Energy and Natural Resources Committee has heard this ad nauseum, Mr. President, and voted 17 to 2 that this is the solution.

The Appropriations Committee, with some of the members on it in locations that are subject to this, still voted 19 to 6.

Mr. President, I hope that the Senate will recognize not only their responsibility but an opportunity to save $3.9 billion and will vote yes on my motion to table.

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NUCLEAR WASTE POLICY ACT AMENDMENTS ACT OF 1987, INCLUDED BY REFERENCE IN H.R. 2700

Mr. THURMOND. Mr. President, I would like to ask the distinguished chairman and ranking minority member of the Energy and Natural Resources Committee a question concerning the intention of the second sentence of section 403(f)(1) of S. 1668 as incorporated by reference in this appropriations bill. As you know, this sentence requires the Secretary of Energy to examine the desirability of locating additional MRS facilities where substantial volumes of high level, atomic energy defense waste are generated. Based upon the genesis of this sentence and Committee Report 100-159, it is my understanding this sentence is not intended to apply to or implicate in any way the Savannah River Plant in Aiken, SC. Is that your understanding?

Mr. JOHNSTON. Yes, it is.

Mr. McCLURE. Yes, it is.

Mr. THURMOND. It is my understanding that the sentence in question was included as an amendment by the distinguished senior Senator from Washington during the committee's consideration of the bill. I would now like to ask him whether the foregoing is consistent with his intentions as author of this language?

Mr. EVANS. Yes, the Senator is correct.

Mr. HOLLINGS. Mr. Chairman, I was involved in discussions at the Appropriations Committee markup on this very matter. What has been said is in accord with my understanding. I might add that a paragraph was included on page 167 of the Energy and Water Appropriations Report, Committee Report 100-159, which further clarifies this matter.

Mr. THURMOND. I thank the chairman, the ranking minority member, the distinguished Senator from Washington, and my fellow colleague from South Carolina for the opportunity to clarify this matter.

Mr. KERRY. Mr. President, the issue of depositing high level nuclear waste is not an easy one. High level nuclear waste exists, and storage capacity at plants producing this dangerous material is quickly being used up. The overall issue of what to do with high level radioactive waste raises both parochial concerns as well as general environmental health policy questions. What my distinguished colleague from Louisiana sets out to do in the provisions that he added to the energy and water appropriations bill are on face value quite admirable. A real need clearly exists to develop ways to permanently deposit nuclear waste. And my colleague has tried to address that very real need by speeding up the selection process for a nuclear waste repository site in the West, having a second repository site chosen in the East by the year 2010, and by quickly determining an area for a monitored retrievable storage site, so that waste can be stored while a permanent site is chosen and developed.

The urgency of this situation is valid. But it is an issue that must be examined in great detail. A host of options are available to us on what direction our policy should take in eliminating dangerous nuclear waste. The Environment and Public Works Committee has developed their response to this problem. The Energy Committee has voted on their recommendation, in the House of Representatives other solutions have been put forth. In addition to the variety of approaches that exist which respond to this critical health and safety issue, a plethora of questions are still unresolved. Has the

Department of Energy done a sufficient job in determining the permanent stability of depositing waste in the ground? Are we certain that the appropriate technologies have been developed to ensure safety and to prevent any kind of leaking of this waste once it is placed in the ground? Some scientists say yes, other scientists and environmentalists question the feasibility of the plans that DOE has come up with. There have been questions raised about the efficacy of the site selection guidelines used by DOE. Some experts claim they are sufficient, others deny that they even come close to touching the myriad of safety questions. What about the monitored retrievable storage sites? Are we sure that these sites are only temporary? Has enough research been done to adequately provide for the safe transport of nuclear waste across the Nation? Are we setting ourselves up for regional MRS facilities?

Mr. President, there are many unresolved questions on this very important issue of how we permanently dispose of high level nuclear waste. And most importantly, in my mind, there are still too many unanswered scientific questions to merely have an up or down vote because quite frankly the end results are incredibly far reaching. The damaging and limitless implications of voting on this issue without adequate debate and examination are very real. We cannot deal with this issue in a premature manner. For these reasons Mr. President, I have decided to vote with my colleagues from Washington and Nevada to continue the debate on the nuclear waste disposal issue. In doing so I do not only vote for further examination, but for Congress to take a serious look at all of the proposals and options before us and devise a solution that provides for the safety and welfare of all of our citizens.

Mr. McCLURE. Mr. President, 5 years ago, the 97th Congress produced a remarkable piece of legislation entitled the Nuclear Waste Policy Act of 1982. The legislation did not come easily—rather, it was the product of countless hours of hearings, debate, negotiations, and compromises. But it was, in the end, a good piece of legislation, reflecting the necessary political and technical ingredients needed to get the job done of disposing of this Nation's high-level nuclear waste and spent fuel.

Critics might claim that a less-than-perfect statute, implemented by a less-than-perfect agency, has created a far-from-perfect situation in terms of how the nuclear waste program has faired over the last 5 years.

I would prefer to look at things from a different perspective: the program, as created by the statute, has come a long way over the last 5 years, but through the whole process, has experienced certain growing pains not uncommon to any major, national undertaking of this sort. Despite these growing pains, there is general agreement from knowledgeable parties such as the National Academy of Sciences, the Nuclear Regulatory Commission, and the Environmental Protection Agency, that there are no technical or engineering reasons not to proceed with the nuclear waste program; that is, there are no show stoppers that would justify total abandonment of the activities now underway.

During these last 5 years, a lot has changed, and a lot has been learned. We are at the point now where we must factor these changes and the knowledge gained into a statutory package that will improve the process and move the program forward in a progressive, more deliberate manner.

In particular, I can point to two major factors—schedule and cost—that force us to rethink the overall program content. The schedule was driven back in 1982 by inflated estimations of spent fuel accumulation rates at nuclear reactors and by pessimistic assumptions about onsite storage capabilities, and led us to believe that we had to have the first waste repository in operation by 1998, and the second repository not too far behind that. Those predictions and assumptions have proven to be grossly overstated. Spent fuel is accumulating at a much lower rate than we had anticipated. More spent fuel is being stored on site than we originally thought feasible—thanks to advances in state-of-the-art consolidation and storage techniques now licensable by the Nuclear Regulatory Commission. We no longer are faced with an either/or situation where nuclear plants would either have to remove spent fuel from their site or face premature shutdown.

Furthermore, we have an option to proceed with the construction of a monitored retrievable storage [MRS] facility for receipt and temporary storage of fuel by 1998 and thereby meet the Government's statutory obligation to begin taking spent fuel by that date.

Thus, we have more time to proceed, at a more deliberate pace, with the selection and development of a first repository site. We are fortunate to have this additional time, because the scope of the technical and scientific work, and the time needed for adequate public input into the process, demand that the overly optimistic NWPA schedule be pushed back anyway.

Another aspect of the schedule that deserves a closer look is the timing on the second repository. One need not be a mathematical genius to figure out, by looking at the spent fuel accumulation rates projected in a DOE document prepared by Oak Ridge National Laboratory (DOE/RW-0006, rev. 2, September 1986), and by making certain conservative assumptions on onsite and centralized MRS storage capabilities, that we will not reach the 70,000 metric ton limitation on the capacity of the first repository until sometime close to the year 2020. This means that decisions with respect to the second repository need not be made now. They can, in fact, be deferred to a date well beyond the year 2000 when the need for a second repository can more accurately be determined.

Speaking of decisions on second repository work, let me digress a moment to discuss a predicament that DOE has managed to place itself in. As you all may recall, the Secretary announced in May 1986 his decision to indefinitely postpone further work on the siting of a second repository, despite the statutory deadlines in the Nuclear Waste Policy Act. Senator Johnston and I, among others, protested loudly about this unilateral decision that was in clear violation of the law. The Secretary, when subsequently faced with a pending lawsuit on this decision, then committed to a resumption of siting activities by October 1 of this year, if Congress had not acted to change the law by then. Well, October 1 has come and gone, Congress has not yet acted, and the Department has indeed begun to resurrect the second repository siting work they suspended in May 1986. Although the Department is conducting only a minimal level of activity, needless to say, this has caused a great deal of consternation in those States in which second repository sites are now under active consideration. It is, in my mind, a tremendous waste of resources, especially in view of the fact that congressional action to redirect the nuclear waste program, including decisions on second repository work, is so close at hand.

The second major factor that I identified as key to the overall program is cost. Estimates of the costs of site characterization have skyrocketed since we passed the Nuclear Waste Policy Act. I remember, in DOE's 1981 testimony before Congress, cost estimates for site characterization were as low as $60 million to $80 million per site. Today, according to the General Accounting Office's most recent report, site characterization costs will be on the order of $2 billion per site. This incredible ballooning of cost estimates is indicative of the breadth and depth of the scientific, regulatory, and institutional activities actually required to do the job properly.

In today's budgetary environment, we must ask ourselves how this money can be used most effectively. Can we afford the luxury of parallel, redundant activities at three first-repository sites, when we might be able to save as much as $4 billion of ratepayer money by proceeding sequentially? Isn't some

of the money thereby saved better spent in providing incentivies to the State that ultimately will host a disposal or storage facility? And isn't some of this money better spent in constructing a monitored retrievable storage facility, that would vastly improve the integration and coordination of spent fuel management and transportation? Don't the ratepayers themselves deserve to benefit from the potential savings that would accrue from a more streamlined approach to nuclear waste disposal?

I ask these questions rhetorically, but I think we all know the answers. It is time that Congress faced up to the reality of the situation before us. There are some logical steps that must be taken at this time to revamp the nuclear waste program so that it can move forward within a logical timeframe and in a cost-effective manner. And the opportunity to take those steps is before us now. The expenditures and the program as referenced in the bill before us now set the stage for revitalization of the nuclear waste disposal program, based on today's realities. It is a balanced package, which reflects all the considerations that I have just discussed.

Under this proposal, we would proceed with characterization of one first-repository candidate site, selected by the Secretary of Energy, based on specific criteria laid out in the statute. The remaining two candidate sites would be placed on hold, in the event that the first site was found unsatisfactory during the site characterization process.

The decision to proceed with a second waste repository would be postponed until a more appropriate time. The Secretary of Energy would be required to submit a report to the Congress, by the year 2010, on the need for a second repository. Congress would then have an opportunity to act on the basis of the findings in the Secretary's report.

Construction of a monitored retrievable storage facility is authorized at a site to be selected from a new universe of possible sites, including any sites volunteered by a State.

Under this bill, substantial benefits would accrue to the host States for either a repository or an MRS facility: $50 million and $20 million per year, respectively, prior to receipt of fuel, and $100 million and $50 million per year, respectively, once the facility is in operation. I believe these benefit packages are not only helpful, but essential, to the successful execution of the program. Host States deserve some very real, very tangible positives to offset the negatives—whether real or perceived—that a program such as this carries with it.

Finally, the bill establishes a review panel for each host State, with representation from State and local entities, to oversee and advise the Department with respect to waste program activities affecting the State during the course of the program.

Mr. President, this legislation is the product of months of hearings and committee markups. It deserves the support of every Senator in this body. The legislation responds to the concerns articulated by the affected parties while permitting continued progresss in the program. I am convinced that the package reflects balance and fairness, and that it will get the program moving forward in a responsible and reasonable manner that reflects the experience we have gained since 1982. Both technically and politically, it can succeed.

I urge my colleagues to support this measure as a key element of the fiscal year 1988 energy and water appropriations bill.

Mr. THURMOND. Mr. President, I rise in supoort of the second degree amendment offered by the distinguished junior Senator from Washington which deletes the nuclear waste legislation from this appropriations measure.

In 1982, I supported final passage of S. 1662, the Nuclear Waste Policy Act. That legislation provided a comprehensive plan for the disposal of nuclear waste. We must take affirmative steps to improve the nuclear waste disposal program of this country. However, I have serious concerns with both the procedure and the substance of this current legislation, S. 1668, the Nuclear Waste Policy Act Amendments of 1987.

I am opposed to taking up the Nuclear Waste Policy Act Amendments of 1987 as part of an appropriations measure. We should be wary of mixing authorizing and appropriating measures. Although a majority of the members of the Appropriations Committee voted to include this measure, attaching an authorizing bill as comprehensive as S. 1668 to the energy and water appropriations bill is not the most effective method for the Senate to consider this legislation. An issue of this importance—potentially affecting every State—merits separate consideration. More importantly, an appropriations bill as significant as energy and water appropriations should not be hampered in its movement through this body.

Moreover, I am concerned about reopening the question of where an MRS would be located. The Department of Energy has already selected sites where an MRS should be built. They did not pick South Carolina—and with good reason—but I do not favor reopening that question again. My home State has already made a significant contribution to the nuclear framework of our Nation. The Department of Energy's Savannah River plant currently stores over 33 million gallons of high-level nuclear waste and over 17 million cubic feet of low-level waste. In addition, the chem-nuclear systems waste facility in Barnwell, SC, stores over 19 million cubic feet of low-level commercial waste. Together, these two facilities have been receiving waste for more than 50 years. This is no small contribution.

Mr. President, this is not a statement of "don't build an MRS in my backyard," but a recognition of the fact that South Carolina has for too long shouldered a disproportionate burden of the nuclear waste of this Nation. Other areas must share that burden.

Finally, I am concerned that a temporary MRS facility could become a de facto permanent repository. I believe further attention must be given to ensuring that this does not occur.

For these reasons, I support the amendment offered by the distinguished junior Senator from Washington.

Mr. JOHNSTON. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion——

Mr. McCLURE. Mr. President, I will either put in a quorum call or ask the leader if it might be possible to extend this rollcall. There are some Members off the the Hill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Louisiana. The clerk will call the roll.

Mr. BYRD. Mr. President, this will be the last rollcall today. There will be an early rollcall vote in the morning.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from Florida [Mr. CHILES], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Arkansas [Mr. PRYOR], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Carolina [Mr. HELMS], the Senator from Indiana [Mr. QUAYLE], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 30, as follows:

[Rollcall Vote No. 367 Leg.]

YEAS—55

| | | |
|---|---|---|
| Armstrong | Graham | Murkowski |
| Bingaman | Grassley | Nickles |
| Boren | Harkin | Nunn |
| Boschwitz | Hatch | Packwood |
| Bradley | Hatfield | Pell |
| Cochran | Heflin | Pressler |
| Cohen | Heinz | Roth |
| D'Amato | Humphrey | Shelby |
| Danforth | Inouye | Specter |
| Daschle | Johnston | Stevens |
| Dixon | Karnes | Symms |
| Dole | Kasten | Trible |
| Domenici | Lautenberg | Wallop |
| Evans | Lugar | Warner |
| Exon | McCain | Weicker |
| Ford | McClure | Wilson |
| Fowler | McConnell | Wirth |
| Garn | Melcher | |
| Glenn | Mitchell | |

NAYS—30

| | | |
|---|---|---|
| Adams | DeConcini | Moynihan |
| Baucus | Gramm | Proxmire |
| Bentsen | Hecht | Reid |
| Biden | Hollings | Riegle |
| Breaux | Kassebaum | Rockefeller |
| Burdick | Kerry | Sanford |
| Byrd | Leahy | Sarbanes |
| Chafee | Levin | Sasser |
| Conrad | Matsunaga | Simpson |
| Cranston | Mikulski | Thurmond |

NOT VOTING—15

| | | |
|---|---|---|
| Bond | Gore | Quayle |
| Bumpers | Helms | Rudman |
| Chiles | Kennedy | Simon |
| Dodd | Metzenbaum | Stafford |
| Durenberger | Pryor | Stennis |

So the motion to lay on the table amendment No. 1123 was agreed to.

AMENDMENT NO. 1125

Mr. JOHNSTON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 1125.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. ADAMS. Mr. President, reserving the right to object, we do not have a copy of the amendment. I inquire, as part of my reservation, if we can obtain a copy so that we can have it tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. ADAMS. I reserve the right to object until I can get a copy. It has been a long day.

Mr. JOHNSTON. Obviously, the Senator can get a copy. I do not have a copy for him. If he wants to hear the amendment read, we can certainly do that. He has that right.

Mr. ADAMS. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment No. 1125 is printed later in the RECORD under Amendments Submitted).

Mr. JOHNSTON. Mr. President, this amendment is essentially all of the committee amendments rolled into one amendment together with an amendment for Senator SASSER that provides for an additional study with respect to the MRS and an amendment for Senator GRAMM that provides that with respect to the property acquisition in Texas the Department of Energy is directed to protect the property owners by acquiring only so much as is necessary, by paying them fair price, and by giving them the option to repurchase in the event that Texas is not selected.

I believe that is all of the amendments, Mr. President.

We do not plan to vote on the amendment tonight and I will explain it more fully, but the additional amendments other than the committee amendments are not earth-shaking amendments. They are all sweetness, light, and reasonable amendments to which I am sure the Senators from Nevada and Washington will not object other than on technical reasons.

So, Mr. President, I really would like to give a long speech tonight and go at least until midnight. If the Senators from Nevada and Washington would promise to sit here and listen to my speech, I will do so. Otherwise, I plan to yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. ADAMS. Yes.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, we will have, I am certain, an opportunity tomorrow to debate this amendment at some length, and I know the Members are prepared, and I would like at this point to propound an inquiry to the majority leader on my time and if the majority leader would respond.

It is my understanding that the majority leader has some individual items of business, but I did not want the Chair to place the amendment to a vote because we wish to debate it tomorrow under the previously stated intentions. So if it is the intention of the majority leader to proceed with the rountine business and adjourn the Senate, then I would yield the floor.

Mr. BYRD. It is, and I thank the Senator for asking. I appreciate his cooperation.

It would by my intention to put the Senate into morning business to transact some unanimous-consent work, and so on.

## MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business not to extend beyond 8:30 this evening and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO LOUIS J. TULLIO, MAYOR OF ERIE, PA

Mr. SPECTER. Mr. President, the measure of any man, it has been reasonably argued, is best discovered by the esteem in which he is held by those who know him. If such be the case, then the Honorable Louis J. Tullio, mayor of Erie, PA, is, indeed, a good man, for he enjoys to an extraordinary degree the admiration and good will of his fellow citizens.

Beyond esteem, perhaps, in measuring a person is affection. The person who is loved by his friends is loved for a reason or for many reasons. But almost invariably these reasons are virtues the person possesses. Here, again, Mayor Tullio proves himself a good man, for he is first in the hearts of Erie residents.

For more than two decades, Louis J. Tullio has served his community well as its chief executive. First elected in 1965, he has been returned to office again and again by grateful citizens and is currently serving his sixth 4-year term.

During these years, Erie has seen much change and many improvements. Under Mayor Tullio's benign and dynamic guidance, it has quite literally enjoyed a renaissance, particularly its waterfront area. It is today a much better place in which to live because of him and his untiring efforts on its behalf.

It is neither fulsome praise nor mindless hyperbole to state that Mayor Tullio has devoted his life to his city and to the improvement of the lives of its citizens. It is simple truth.

Before his tenure as mayor, Louis J. Tullio served his city in other capacities, working as secretary-business manager of its school district for 6 years, as assistant director of health and education for the district and as a teacher and coach in its high schools.

In each of these capacities, he distinguished himself by hard work, dedication, and concern for the students of Erie.

Mayor Tullio has also won the plaudits of his fellow citizens for his efforts on behalf of civic, fraternal, and charitable organizations and has been

the receiver of many public service awards.

It may truly be said of him that he has been the ultimate resource for his city and its greatest treasure.

Beyond these efforts, he has served his Nation as a member of the U.S. Navy and as a trustee of the U.S. Conference of Mayors and his State as legislative cochairman of the Pennsylvania League of Cities.

It is altogether fitting then that the U.S. Senate take note of the many accomplishments of Mayor Louis J. Tullio and commend him for his successful endeavors on behalf of his city, his State, and the Nation.

## BUDGET NEGOTIATIONS

Mr. CRANSTON. Mr. President, the impasse in the budget negotiations with the White House is totally unacceptable. If the stalemate continues much longer, I believe Democrats and Republicans in Congress must take the initiative and hammer out an agreement without the President.

If Democrats and Republicans can't agree, then Democrats should go it alone. Once we embody a budget solution in the reconciliation process, it cannot be filibustered. And it would be an act of incredible folly if President Reagan vetoed it. A veto would risk provoking a catastrophic free fall in the stock market.

The drop in the market Tuesday morning and again this morning following the reports of a breakdown in the White House-congressional negotiations were signs that failure to achieve significant deficit reductions will have dire consequences throughout our economy.

The country needs more than an economic summit devoted to reshuffling the mix in a cut of $23 billion which will come about automatically on November 20 under Gramm-Rudman. Reliance on the automatic sequester to reduce the deficit also would indicate that neither Congress nor the White House is in control of the Federal budget. And a cut of $23 billion is not nearly enough to reassure Wall Street and the public that we mean business.

I applaud Senator CHILES and Representative GRAY for putting on the table a $30-billion deficit reduction package at yesterday afternoon's summit session, and the fact that even larger cuts are being considered. We must not be deterred by the White House's rejection of that $30-billion proposal and unwillingness to give it serious consideration.

Frankly, I think we must achieve a far more significant and substantial cut in the deficit of at least $35 billion. We can do that by a prudent combination of tax increases and reductions in military and domestic spending. A sound fiscal program will surely induce the Federal Reserve Board to lower interest rates in order to keep the economy humming.

We should not enact any tax increase that would depress the economy. And cuts in expenditures should be made according to a set of rational priorities, not indiscriminately and across-the-board as would be done under Gramm-Rudman.

There are a number of different combinations of revenue increases and spending reductions that could add up to a truly meaningful deficit reduction.

For example, we should be able to achieve a minimum of $14 billion in additional revenues from a combination of acceptable revenue-raising provisions in the House-passed bill and the Senate finance-reported measure. Another $9 billion could be achieved by freezing income tax rates which are scheduled to drop in 1988.

Another source of new revenues could be derived from some combination of an oil import fee and an increase in the gasoline excise tax. For example, a 5-cent increase on gasoline at the pump together with a $5-per-barrel tax on imported oil would produce about $13 billion in new revenues. These energy-related measures would encourage energy conservation and lessen our dangerous and rising dependence on foreign oil.

On the expenditure side, $11 billion in savings could be achieved by freezing defense expenditures and enacting the domestic savings contemplated in the pending reconciliation bill and assumed in the budget resolution we approved in June.

We must cope with the deficit boldly. If we fail, we will be unable in years ahead to adequately finance programs needed to enhance our economy and our society—such as improving education, developing our transportation infrastructure, protecting the environment and helping vulnerable Americans and those to whom we owe a moral obligation.

If Reagan isn't willing to face fiscal reality, we must do it without him.

## TARGETED REVENUE ASSISTANCE TO FISCALLY DISTRESSED LOCAL GOVERNMENTS ACT

Mr. DASCHLE. Mr. President, I am pleased to join as an original cosponsor of the Targeted Revenue Assistance to Fiscally Distressed Local Governments Act. I commend Senators SASSER and HEINZ for their leadership in this area, and for bringing to the attention of this body not only the severe circumstances that have impacted many areas of our country, but also a specific blueprint for addressing them.

This innovative legislation is a realistic vehicle for attacking a situation that has reached the crisis stage. It recognizes the critical problems facing many economically deprived localities nationwide, and it would provide much needed assistance to local governments while accomodating the severe budget constraints within which we must operate.

In the 1980's, the Federal commitment to State and local assistance has declined dramatically. Just last year, for example, after years of reduced funding levels, a symbolic death blow was delivered to the Federal commitment to local governments when the General Revenue Sharing Program was allowed to end.

While the necessity for fiscal austerity is clear—and I am a strong proponent of the long-forgotten art of government living within its means—such imperatives need not sacrifice basic services of local governments which are so necessary to their citizenry. Unfortunately, in far too many jurisdictions, this is exactly what has transpired.

Recent Senate hearings on the impact of the loss of general revenue sharing brought to light startling dramatizations of this very concern. Thousands of local governments have been forced to shutdown essential public services, raise regressive taxes, or both. The National Association of Counties documented the extent of this trend, showing that 64 percent of county governments have reduced or eliminated important services and programs. Municipal governments have been forced to respond in a similar fashion.

My home State of South Dakota has certainly not gone untouched by these major policy changes. The devastation of the agricultural economy has already stretched local resources to the breaking point. As communities in South Dakota struggle to keep their heads above water, the elimination of general revenue sharing has left governing bodies, already stripped to the bone, with a monumental task of providing crucial services with decreasing revenues.

The leaders of those city and county governments are to be commended for doing as well as they have with such scarce resources. Yet, the need for assistance to provide even the most basic services is becoming ever clearer.

Again, I want to emphasize that I understand the urgent need to cut spending. I believe there are two vital considerations to be made regarding in implementing proposals such as this that are vital to the well being of our Nation.

First, I believe that efforts of this nature must include an examination of methods for the raising the revenue to pay for this program. We can no longer continue adopting new spending measures without answering the

question of where the money to pay for new programs is coming from. Only by embarking on such an approach to spending will we be able to address the vital needs of our country without bankrupting the future of our children.

Second, while I yield to no one in my dedication to cutting spending and balancing the Federal budget, those who suggest that balancing the Federal budget is an easy task if only the political will prevails ignore the essential truth of the budget debate—namely, that the establishment of national spending priorities is the key to responsible deficit reduction.

Certainly, the burden of deficit reduction must be broadly shared if we are to balance the Federal budget. In my view, however, local governments, which are such an important pillar of our democracy, have already been asked to bear a disproportionate share of this effort.

I do not accept the proposition that we must cut local governments completely adrift in the name of deficit reduction. Fiscal responsibility and aid to local government are not mutually exclusive goals.

During the past 7 years, Federal assistance to local governments has been dramatically reduced and in some cases totally eliminated. These efforts have seriously undermined many jurisdictions' ability to provide needed services. It is time to reassess this general approach to local government assistance and discuss realistic alternatives.

I do not believe that the answer to this dilemma is to forsake the contribution of the General Revenue Sharing Program by abandoning the entire concept, but rather to adapt that idea to the economic realities of the late 1980's. By directing Federal assistance to areas of the country that most need assistance, that is precisely what the Targeted Revenue Assistance Act will do.

This legislation examines what areas of the Nation are most in need of support, and provides a mechanism for getting Federal funds to those areas. While the Congress will certainly want to take a close look at the specific formula by which funds would be allocated under this legislation, I think that the point to focus on today is that the bill is a responsible approach to what has become a critical situation for many areas of our Nation.

Mr. President, I am pleased to be an original cosponsor of the Targeted Revenue Assistance to Fiscally Distressed Local Governments Act, and I hope that the appropriate congressional committees will take a serious and timely look at this proposal.

## BICENTENNIAL MINUTE

NOVEMBER 4, 1913: BLAIR LEE BECOMES FIRST DIRECTLY ELECTED SENATOR

Mr. DOLE. Mr. President, 74 years ago today, on November 4, 1913, Blair Lee of Maryland became the first person to be elected to the U.S. Senate under the provisions of the then recently ratified 17th amendment to the Constitution.

The new amendment had taken effect 5 months earlier, on May 31, 1913. At that time, Maryland's Senator William Jackson was serving under a temporary appointment by that State's Governor to fill a vacancy caused by the death of the previously elected incumbent. As soon as the 17th amendment was officially ratified, the Governor, following its provisions, arranged for a special election to replace Senator Jackson. On November 4, 1913, Democrat Blair Lee defeated his Republican opponent by a 20 percent margin.

When Lee presented his credentials to the Senate a month later, Senator Jackson immediately challenged them on the grounds that since he had been appointed under the Constitution's original provisions, he was entitled to be treated as if the amendment had never been ratified. This would have extended his Senate tenure for several months until the State assembly adjourned, presumably increasing his political prospects within Maryland.

On January 19, 1914, the Senate Committee on Privileges and Elections issued a majority report favorable to Blair Lee. The committee stated that Jackson's tenure had always been uncertain because of the temporary nature of his appointment. The passage of the 17th amendment increased the instability of his term because it ended the State legislature's authority in the matter of senatorial selection.

On January 28, 1914, the Senate declared Blair Lee duly elected. He served the remaining 3 years of his term. Failing to be renominated in 1916, Lee retired to a successful law practice. He lived until 1944.

## HAITI

Mr. GRAHAM. Mr. President, there is a historic struggle going on in Haiti—a struggle which pits the overwhelming majority of Haitians against a small but violent minority of Duvalierists and their Tonton Macoute thugs who would turn back the clock to the authoritarian and despotic past. As the November 29 presidential elections approach, those who oppose democracy are becoming more desperate and more violent.

Two nights ago the headquarters of the provisional electoral council [CEP] was ransacked and burned. The CEP, Mr. President, is the organization created under the new Haitian Constitution with responsibility for the administration of national elections. The offices of the Christian Democratic party were attacked. As late as this morning I received a telephone call from a CEP member who said a group of unidentified assailants tried to burn down his house last night. "My life and my family's life is threatened," he told me. Sparking the violence was a ruling by the CEP that candidates closely connected to the desposed Duvalier regime were ineligible to seek public office. The action fully conformed to the requirements of the new Haitian Constitution which was overwhelmingly approved in a referendum of the Haitian people last March.

The latest violence follows the shooting of 30 demonstrators by security forces during the summer and the assassination of two presidential candidates including Yves Volel within the last several weeks. This violence is deplorable and unacceptable by world standards. And as good neighbors we must make clear our support for the Haiti people who simply want the opportunity to participate in free, fair and peaceful elections.

Congressman WALTER FAUNTROY and I tried to do just that when we visited Haiti this past weekend. We met with a broad range of Haitians, including the courageous members of the CEP, who are valiantly trying to organize elections under the most difficult circumstances. Their personal safety is being threatened. Despite several requests for security, the National Governing Council [CNG] has refused to provide protection.

The CNG, Mr. President, is the transitional government in place to fill the gap between the termination of the Duvalier regime and the institution of a democratically-elected government in February 1988.

In fact, as of yesterday morning, security personnel reportedly still had not been dispatched by the CNG to the election commission's headquarters. And requests that police respond to last night's attack on the house of the CEP member were refused.

I understand that the CNG earlier today issued a statement deploring the violence and agreeing to provide security for the electoral process. We can only hope that the CNG is serious. Unless they take appropriate action, their commitment to elections will continue to be questioned—questioned by the Haitian people, questioned by the world community. The people of Haiti have made clear their desire for elections. The people of Haiti are dying for democracy. The people of Haiti see in these elections the opportunity for a new era of democracy, respect for human rights and the opportunity for a more prosperous future for the people of that nation.

Again, I express my appreciation to the Senator from Nevada and the Sen-

ator from Idaho for the opportunity to make this statement.

Mr. REID. Mr. President, I congratulate the Senator from Florida on his timely statement. Recognizing the location of his State, it is not any surprise to me that he is a leader on this issue as he is on many issues in the Senate. I appreciate his remarks. They were most timely.

Mr. GRAHAM. I thank the Senator.

## MESSAGES FROM THE HOUSE

At 11:10 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 1158) to extend the authorization of appropriations for programs and activities under title III of the Public Health Service Act, to establish a National Health Service Corps Loan Repayment Program, to otherwise revise and extend the program for the National Health Service Corps, and for other purposes.

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 66. Joint resolution to designate the week of November 22, 1987, through November 28, 1987, as "National Family Week"; and

S.J. Res. 154. Joint resolution to designate the period commencing on November 15, 1987, as "National Arts Week."

At 5:17 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the House:

S. 423. An act for the relief of Kil Joon Yu Callahan.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2890) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1988, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. LEHMAN of Florida, Mr. GRAY of Pennsylvania, Mr. CARR, Mr. DURBIN, Mr. MRAZEK, Mr. SABO, Mr. WHITTEN, Mr. COUGHLIN, Mr. CONTE, Mr. WOLF, and Mr. DELAY as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2906) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1988, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. HEFNER, Mr. ALEXANDER, Mr. COLEMAN of Texas, Mr. THOMAS of Georgia, Mr. BEVILL, Mr. EARLY, Mr. DICKS, Mr. FAZIO, Mr. WHITTEN, Mr. LOWERY of California, Mr. EDWARDS of Oklahoma, Mr. KOLBE, Mr. DELAY, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1517. An act to amend the Federal Aviation Act of 1958 to require the installation and use of collision avoidance systems in aircraft, to require the Federal Aviation Administration to complete research on and development of the TCAS-III collision avoidance system as soon as possible, and for other purposes;

H.R. 3108. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to extend for one year the term of the Scientific Advisory Panel under that Act:

H.R. 3235. An act to amend the Public Health Service Act to revise the program of assistance for health maintenance organizations;

H.R. 3295. An act for the relief of Nancy L. Brady;

H.R. 3319. An act for the relief of Susan A. Sampeck;

H.R. 3479. An act to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes;

H.R. 3545. An act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988;

H.J. Res. 303. Joint resolution designating the week of November 1 through November 7, 1987, as "National Watermen's Recognition Week"; and

H.J. Res. 368. Joint resolution designating the week of November 8 through November 14, 1987, as "National Food Bank Week."

## MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1517. An act to amend the Federal Aviation Act of 1958 to require the installation and use of collision avoidance systems in aircraft, to require the Federal Aviation Administration to complete research on and development of the TCAS-III collision avoidance system as soon as possible, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3108. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to extend for one year the term of the Scientific Advisory Panel under that Act; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3235. An act to amend the Public Health Service Act to revise the program of assistance for health maintenance organizations; to the Committee on Labor and Human Resources.

H.R. 3319. An act for the relief of Susan A. Sampeck; to the Committee on Governmental Affairs.

H.R. 3479. An act to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes; to the Committee on Energy and Natural Resources.

H.J. Res. 303. Joint resolution designating the week of November 1 through November 7, 1987, as "National Watermen's Recognition Week"; to the Committee on the Judiciary.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3545. An act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-346. Joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

"ASSEMBLY JOINT RESOLUTION No. 41

"Whereas, The California Air National Guard is an integral part of the national defense effort and an equal military partner with the United States Air Force under the Total Force Policy; and

"Whereas, The 129th Aerospace Rescue and Recovery Group (ARRG) operated by the California Air National Guard located at Moffett Naval Air Station is the sole West Coast component of the total United States Air Force worldwide rescue capability; and

"Whereas, The 129th AARG rescue unit is equipped with HH-3E helicopters; and

"Whereas, HH-3E helicopters do not possess suitable navigation capability, high-altitude performance, long-range flight performance, night vision compatible equipment, defensive systems, or survivability to penetrate sophisticated combat environments to execute combat rescue missions; and

"Whereas, The HH-3E helicopter is increasingly difficult to support and maintain due to aging equipment and lack of spare parts; and

"Whereas, The MH-60G 'Black Hawk' helicopter is currently in production and possesses high performance capability, state-of-the-art navigation and communications equipment, and the ability to survive while performing combat rescue missions; and

"Whereas, The MH-60G 'Black Hawk' helicopter is an affordable, suitable helicopter to perform a rescue and recovery mission; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to appropriate funds to purchase six MH-60G 'Black Hawk' helicopters in rescue configuration, for express assignment to the 129th Aerospace Rescue and Recovery Group at Moffett Naval Air Station in the State of California; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and

Representative from California in the Congress of the United States."

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POM-347. A resolution adopted by the Board of County Commissioners of Bullfrog County, Nevada, opposing the location of a high-level radioactive waste repository at Yucca Mountain, Nevada; to the Committee on Energy and Natural Resources.

POM-348. A resolution adopted by the City Commission of Panama City, Florida, regarding proposed acid rain legislation; to the Committee on Environment and Public Works.

POM-349. Joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION No. 19

"Whereas, The federal government through the National Marine Fisheries Service is actively encouraging joint venture agreements with foreign governments; and

"Whereas, Fish, although caught by domestic or foreign fishermen, are landed on foreign flag "mother ships" for processing rather than being landed on our coast; and

"Whereas, Fish otherwise landed on our shores are subject to taxation for the support of a fisheries-related program in research, law enforcement, and management; and

"Whereas, Federal funding for the support of fisheries-related programs for research, law enforcement, and management is on the decline; and

"Whereas, The federal government could impose a fee or tax on joint ventures which could be dedicated to fisheries-related activities; and

"Whereas, The lack of such a federal equalization levy forces domestically landed fisheries to pay ever-increasing levies to support fishing programs due to federal funding declines and foreign competition; and

"Whereas, Since 1980, over 400,000 metric tons of whiting, which were caught off the California, Oregon, and Washington coasts, were landed on joint venture foreign flag vessels, and payment of landing taxes were avoided which would have been paid if the fish had been landed domestically; and

"Whereas, At the California rate of two dollars and sixty cents ($2.60) per ton, in excess of one million dollars ($1,000,000) would have been raised to support fisheries programs for research, management, and restoration if those joint venture landings had been equally taxed; now, therefore, be it

*"Resolved by the Assembly and Senate of the State of California, jointly,* That the California Legislature respectfully memorializes the Congress to enact legislation to immediately impose an equalization levy on all joint venture landings to be paid by the foreign flag mother ships and dedicated for state fisheries support, marketing, enforcement, and management; and be it further

*"Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, each United States Senator and Representative from Alaska, California, Hawaii, Idaho, Oregon, and Washington, the Secretary of Commerce, the National Marine Fisheries Service, and the Legislature of each Pacific Coast State, with a request for immediate action to help further and protect our domestic fisheries."

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POM-350. Joint resolution adopted by the legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 49

"Whereas, Taiwan exports more products to California than any nation other than Japan; and

"Whereas, in 1986, California's $1.7 billion in exports were overwhelmed by $7.8 billion worth of Taiwanese imports; and

"Whereas, high tariffs present a major barrier to imports to Taiwan, with tariffs ranging from 40 to 75 percent in addition to a 4 percent "harbor tax" on imports; and

"Whereas, in 1982 Taiwan placed an official import ban on chicken meat, and while this ban was lifted in 1985, import applications must still be approved by the Taiwan Council of Agriculture; and

"Whereas, approved from the Council of Agriculture has never been granted; and

"Whereas, while the Taiwan Customs Bureau has ruled that processed chicken meets the definition of prepared food products and is allowed entry at the current 45 percent tariff, the Taiwan Feed and Grain Association, Poultry Association, Veterinary Products, and other poultry related groups have threatened to reduce imports of United States grain and feed and ban all imports of chicken meat, regardless of how it is prepared; and

"Whereas, the introduction of fast food chains and modern supermarkets in Taiwan has increased the demand for chicken by at least 30 percent, and is expected to double by the end of the year, creating a natural export market for California poultry exports; and

"Whereas, five main chicken breeder farms in Taiwan which control the chicken market have hampered growth by maintaining very high prices by alleged market manipulation and a protectionist ban on imported chicken meat; and

"Whereas, even with the 45 percent import tariff imposed by Taiwan on chicken imports, California chicken would still be competitively priced in Taiwan if the import ban was lifted; and

"Whereas, because Taiwan is not part of the General Agreement of Tariffs and Trade (GATT) negotiations, all formal trade negotiations between Taiwan and the United States are conducted by the American Institute in Taiwan with Taiwan's Coordinating Council for North American Affairs; and

"Whereas, the American Institute in Taiwan has made the lifting of the ban on chicken imports a top priority of discussion with Taiwan; now, therefore, be it

*"Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the President of the United States, the Congress of the United States, and the United States Trade Representative are respectfully requested to urge Taiwan to lift its ban on imported chicken parts; and be it further

*"Resolved,* That the Governor and the Director of the Asian Trade and Investment Office in Tokyo are respectfully requested to urge Taiwan to lift their ban on imported chicken parts and reduce excessive tariffs and duties, and to formally support the American Institute in Taiwan in their efforts to accomplish the same goal; and be it further

*"Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the United States Trade Representative, to the Taiwan representative of the Coordinating Council for North American Affairs, to the Governor, to the Director of the Asian Trade, to the Investment Office in Tokyo, to members of the California State World Trade Commission, to the Director of the California Department of Food and Agriculture, and to the Director of the American Institute in Taiwan."

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POM-351. Joint resolution adopted by the legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 51

"Whereas, in the face of a huge deficit, the United States spends millions for Toshiba products; and

"Whereas, California is also a major purchaser of Toshiba products, including personal computers, medical equipment, and office copiers; and

"Whereas, Toshiba Machine Company, Ltd., a subsidiary of Toshiba Corporation of Japan, and Kongsberg Vaapenfabrikk, a state-owned company of Norway, put profit before principle by secretly peddling defense technology to the Soviet Union; and

"Whereas, between 1981 and 1985, Toshiba and Kongsberg conspired to sell eight metalworking machines and specialized computers to the Soviets to construct superquiet submarine propellers which are 10 times quieter than before, and therefore undetectable by undersea listening devices; and

"Whereas, these illegal sales were not only in direct violation of Regulation IL 1091 of the Allied Coordinating Committee for export controls, which includes most members of the North Atlantic Treaty Organization and Japan, but represent one of the worst losses of high-technology equipment to the Soviet Union in a decade; and

"Whereas, the new superquiet Soviet submarines, the Akula and Sierra Hunter-killers, are now capable of coming within a 10-minute missile firing range of American shores, placing the people of the State of California, our country, and our allies in peril; and

"Whereas, far from being the unwitting dupes of a KGB plot, Toshiba and Kongsberg were the perpetrators, purposely falsifying their export license applications to indicate that the machines were legal; and

"Whereas, the Japanese and Norwegian authorities gave these false license applications minimal scrutiny, without attempting to determine the true capabilites of the equipment listed on the export control applications, or checking the shipments to determine if they actually contained the models listed on the erroneous export license; and

"Whereas, Japanese and Norwegian authorities have made a limited effort to punish the perpetrators, with both countries invoking their statutes of limitations to foreclose the possibility of serious prosecution; and

"Whereas, the response by Japan and Norway was wholy inadequate to act as a deterrent against further national security breaches; and

"Whereas, while Toshiba and Kongsberg made $17 million on their convert sale to the Soviets, it is estimated that it will cost American taxpayers billions to respond with countertechnology; and

"Whereas, the citizens of California must join with the United States government in expressing our strongest objection to placing our citizens in jeopardy; and

"Whereas, one of the best ways to deter future breaches of national security would

be the curtailment of business relationships between the United States and the State of California with Toshiba, Kongsberg, or any other business or organization which practices international treason for profit; now, therefore be it

*"Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectively memorializes the President of the United States, the Congress of the United States, and the Department of Defense to support legislation aimed at punishing Toshiba and Kongsberg; and be it further

*"Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Defense, to the United States Trade Representative, to the Governor of the State of California, to the Director of the Asian Trade and Investment Office in Tokyo, and to the secretary or director of every California state agency and department."

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POM-352. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"A RESOLUTION

"Whereas, the Massachusetts House of Representatives urges the Government of the Soviet Union to allow Emil Mendzheritsky and Tsylia Raitburd to emigrate; and

"Whereas, Nora Samarov of Brookline and her sister Galina Mengeritsky of Israel have conducted a nine day fast beginning on the holiest Jewish Holiday Yom Kippur the Day of Atonement to draw attention to the plight of their parents Emil Mendzheritsky and Tsylia Raitburd who have been denied permission to emigrate from the Soviet Union; and

"Whereas, the sisters chose to fast for nine days to signify the nine years that have transpired since their parents first application to emigrate was denied in 1979; and

"Whereas, Tsylia and Emil have been separated from their two children Nora and Galina, since they have emigrated and from their granchildren; and

"Whereas, Emil is a doctor of science in electro chemistry and had worked for the National Institute for Sources of Energy and Tsylia has a Ph.D. in physics and had been employed by the Academic Institute of Geology, and since applying to emigrate both Emil and Tsylia have lost their jobs and have not been allowed to work; and

"Whereas, both Tsylia and Emil are ailing and are advancing in years, Emil was born in 1926 and Tsylia in 1925. Both have been blacklisted since their children have emigrated: Therefore be it,

*"Resolved,* That the Massachusetts House of Representatives hereby urges the Government of the Soviet Union to allow Emil Mendzheritsky and Tsylia Raitburd to emigrate: And be it further,

*"Resolved,* That copies of these resolutions be forwarded by the Clerk of the House of Representatives to Secretary Mikhail Gorbachev, President Reagan and the Massachusetts Congressional Delegation."

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POM-353. A resolution adopted by the National Conference of State Legislatures favoring legislation to allow citizens of United States territories to vote in Presidential elections; to the Committee on the Judiciary.

POM-354. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; ordered to lie on the table.

"A RESOLUTION

"Whereas, Congress has authorized an expenditure level of $1.823 billion for the fiscal year 1988 for the Low Income Home Energy Assistance Program (LIHEAP); and

"Whereas, Congress is currently making decisions on funding levels for previously authorized programs such as LIHEAP; and

"Whereas, A United States Senate Appropriations subcommittee has proposed a $600 million, or 33%, cut in the level of funding previously authorized for LIHEAP; and

"Whereas, The proposed reduction would mean a $40 million loss of LIHEAP funds for the Commonwealth of Pennsylvania; and

"Whereas, Energy costs are continuously rising and there is now a greater need for energy assistance than at any other time; and

"Whereas, Low-income citizens pay, on the average, 15% of their income for energy, contrasted with 5% paid by the average American family; and

"Whereas, The heating costs of low-income households in Pennsylvania's climate range run substantially more than all low-income households in the nation as a whole; and

"Whereas, It is our obligation to address the needs of poor persons in our Commonwealth: Therefore be it,

*"Resolved,* That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to appropriate funds for Low Income Energy Assistance Block Grants for the fiscal year 1988 at the level previously authorized: And be it further,

*"Resolved,* That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

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## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1475. A bill to establish an effective clinical staffing recruitment and retention program, and for other purposes (Rept. No. 100-212).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 332. A bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes (Rept. No. 100-213).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 1846. A bill to provide for a viable domestic uranium industry, to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites, to establish a wholly-owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing, commercial enterprise on a profitable and efficient basis, and for other purposes (Rept. No. 100-214).

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## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HECHT (for himself and Mr. REID):

S. 1841. A bill to provide for the regulation of gaming on Indian lands, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. McCLURE:

S. 1842. A bill for the relief of Mr. Wilhelm Jahn Schlechter, Mrs. Monica Pino Schlechter, Ingrid Daniela Schlechter, and Arturo David Schlecter; to the Committee on the Judiciary.

By Mr. ROTH (for himself and Mr. FOWLER):

S. 1843. A bill to provide for equality of State taxation of domestic and foreign corporations; to the Committee on Finance.

By Mr. KARNES:

S. 1844. A bill to provide for the orderly implementation of Environmental Protection Agency programs established to comply with the Endangered Species Act of 1973; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATFIELD:

S. 1845. A bill to provide relief to Columbia Sportswear Company with respect to the tariff classification of certain wearing apparel, and for other purposes; to the Committee on Finance.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

S. 1846. A bill to provide for a viable domestic uranium industry, to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites, to establish a wholly-owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing, commercial enterprise on a profitable and efficient basis, and for other purposes; placed on the calendar.

By Mr. HEINZ:

S. 1847. A bill to amend the Federal Reserve Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself and Mr. WILSON):

S. 1848. A bill to authorize a Minority Business Development Administration in the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

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## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SYMMS (for himself and Mr. WILSON):

S. Res. 314. Resolution expressing the sense of the Senate regarding the American Civil Defense program; to the Committee on Armed Services.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HECHT (for himself and Mr. REID):

S. 1841. A bill to provide for the regulation of gaming on Indian lands, and for other purposes; to the Select Committee on Indian Affairs.

INTERIM INDIAN GAMING REGULATORY ACT

Mr. HECHT. Mr. President, I rise today as the senior Member of Nevada's congressional delegation, to introduce a measure designed to help guarantee stability, continuity, and security to any increase or expansion in gaming activity on indian lands.

My State, Mr. President, has had a long and successful history with legalized gaming. We have learned through sometimes painful experience what is necessary to make sure that gaming is conducted in a professional, ethical manner, and what must be done to make sure that everyone—the gaming industry, the operator, and the customer—is treated fairly. Over the years, we have expanded and refined our system of gaming control in Nevada to the point where it has become one of the most successful law enforcement and regulatory agencies in the world.

If gaming on Indian lands is to be expanded, it must be within these same parameters. We in Nevada have grave concerns over law inforcement under the conditions of virtually unregulated Indian gaming now under consideration.

In addition, there is serious concern over the outdated language and terminology in Federal legislation governing gaming. Many of these regulations would hardly apply to the sophisticated gaming devices of today. In the State of Nevada, our gaming regulations and procedures have progressed together as new needs and technologies arose. This is another benefit of an experienced State gaming authority.

For these reasons, Mr. President, I feel it is absolutely vital that any increase in gaming on Indian lands be accompanied by strict adherence to any applicable State regulations, and why this bill, supported by the entire Nevada delegation, from both parties, should be passed.

Mr. REID. Mr. President, today I am joining Senator HECHT in introducing legislation to bring some Federal control to commercial gaming operations on Indian lands.

Early in 1987, the Supreme Court in what is known as the Cabazon decision ruled that States cannot regulate gaming operations on Indian lands under current law. The Court also suggested that Congress should act to provide a framework for regulating gaming operations on Indian lands.

Shortly thereafter, legislation was introduced in both the House and the Senate to formally regulate Indian gaming. Hearings have been held in both Houses, but, to date, no legislation has been reported out of committee.

In the meantime, Indian gaming operations are proceeding and growing without oversight by local, State or the Federal Government. Mr. President, there is great inherent danger connected to any unregulated commercial gaming operation. As a former chairman of the Nevada Gaming Commission, I am personally aware of the attraction that large scale gaming operations has for organized crime. In gaming, the commerce is cash, and wherever you have large amounts of cash, organized crime will not be far behind.

In Nevada we have firm control over our gaming operations, but our success did not come easy. I do not want to see native Americans, or the other citizens of our Nation who live and work in or around Indian lands, suffer from the social illnesses that accompany the presence of organized crime.

In short, I do not believe that it is prudent or wise to permit the continued growth of uncontrolled large scale gaming operations on Indian lands. We should take the Supreme Court's advice and fulfill our trust responsibility to native Americans by enacting legislation to regulate gaming on Indian lands.

Mr. President, I want to make it clear that by offering this legislation at this time I in no way mean to criticize the good work being done in this area by either the chairman of the Senate Select Committee on Indian Affairs or the chairman of the House Interior Committee. They are faced with a very difficult task in meeting the concerns of all the parties involved and they have labored hard to produce permanent regulatory legislation that meets the need. However, I am very concerned about the possibility that the Congress could adjourn without any action to control high stakes gaming on Indian lands.

The various provisions of this bill represent an effort to bring some minimum needed regulation to gaming on Indian lands, and I am putting the Senate on notice that I will propose some or all of these provisions as amendments to legislation moving through the Senate between now and the end of this session unless there is progress made on the bills now pending in committee.

We cannot adjourn this fall without some action to regulate Indian gaming. It would be disastrous for both Indians and non-Indians.

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By Mr. McCLURE:

S. 1842. A bill for the relief of Mr. Wilhelm Jahn Schlechter, Mrs. Monica Pino Schlechter, Ingrid Daniela Schlechter, and Arturo David Schlechter; referred to the Committee on the Judiciary.

IMMIGRATION OF THE SCHLECHTER FAMILY

● Mr. McCLURE. Mr. President, today I am introducing a bill which will grant permanent residency to the Wilhelm Schlechter family. This bill is necessary on humanitarian grounds.

In 1972, Monica Pino traveled to the United States to participate in the Youth for Understanding Program. She lived with a family from Bliss, ID, and attended high school there. After returning to her native Chile, Monica graduated from high school and went on to earn a degree as a physical therapist. In 1978, she married Wilhelm Schlechter, who was a mechanical engineering aid aboard a ship.

On October 18, 1979, Monica gave birth to the couple's first child, a girl, Ingrid Daniela. Daniela was born with a very rare birth defect called bladder exstrophy. This means that the little girl was born with her bladder actually on the outside of her abdominal wall on the skin. The condition, as you can imagine Mr. President, presents formidable medical problems which require many operations to repair.

Willi and Monica Schlechter looked all over Chile for a doctor who had some experience with this disorder but could find no one. They were told their daughter would not survive.

In desperation, Monica contacted the family she had lived with in Idaho during her high school stay in the United States. Through various contacts, the couple finally got in touch with Dr. Clifford Snyder at the University of Utah School of Medicine. Dr. Snyder offered to treat Daniela free of charge. Willi and Monica sold everything they had to buy the airline tickets to the United States and they finally arrived in April 1980 and Daniela was operated on in June.

Since then, the Schlechters were able to return to Chile once but were forced to return to the United States again in 1984 for more surgery on Daniela. This time Daniela was accepted into the Shriners Hospital program and was operated on two times through the Shriners and two more times at the University of Utah. All in all, Daniela has undergone 15 operations.

Mr. President, Monica and Willi Schlechter have been lucky in that they found caring neighbors in Idaho who helped out with their expenses. The Immigration and Naturalization Service has extended their visitor visas six times but they are very understandably concerned that if their visas are not extended, they will be forced to return to Chile and Daniela will not receive the medical care she needs because it simply does not exist in Chile.

Monica and Willi Schlechter have no other alternative but to apply for a private relief bill to grant them per-

manent resident status. They do not qualify for resident status under any category. Although Moncia is a physical therapist, she is not qualified to practice in this country and therefore does not meet the requirements of the third preference for admittance to the country. The types of jobs that Willi is qualified for can be filled from within the U.S. labor market, so a sixth preference designation is not possible.

Mr. President, I do not introduce private relief bills very often. I take them very seriously and will only sponsor one when all other alternatives have been explored and have failed. The Schlechters have no choice but to turn to Congress. They must be allowed to stay in this country, and to find work, so that their daughter can survive. It's as simple as that.

I urge the Judiciary Committee to pass this legislation. The reason we have private relief bills is to help people like Willi and Monica Schlechter who are doing the only thing they can to save their child.

I ask unanimous consent that a letter from Daniela's doctor outlining her condition and translations of documents from Chilean doctors, along with the text of the bill, be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1842

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for purposes of the Immigration and Nationality Act, Mr. Wilhelm Schlechter, Mrs. Monica Pino Schlechter, Ingrid Daniela Schlechter, and Arturo David Schlechter shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year of the fiscal year next following, the total number of immigrant visa and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

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THE UNIVERSITY OF UTAH,
*Salt Lake City, UT, April 8, 1987.*

Senator JAMES A. MCCLURE,
*U.S. Senate, Dirksen Building,*
*Washington, DC.*

DEAR SENATOR MCCLURE: I am writing this letter on behalf of and in support of Ingrid Daniela Schlechter. Daniela was born in Chile with bladder exstrophy. This is a most rare lower urinary and genito-tract anomaly which occurs in 1 in every 50,000 births. It takes many operations over many years to correct these problems so that the bladder can be returned inside the abdomen and the patient can function well. Of course this medical care is certainly not available in Chile and only at pediatric centers in our country. Daniela has presently had over 15 operations and attempts to correct various portions of this abnormality and I expect that there may still be several more necessary. Certain of these procedures need to be spaced apart and probably could not be completed until after puberty.

The reason I am writing this letter is that it is my understanding that our Emigration and Naturalization Service wants to send the Schlechter family back to Chile which medically would be extremely unwise. The more humanitarian thing to do would be to offer them United States Citizenship so they could be functional members of our society while Daniela completes her medical care over the next several years. I would hope that you could take time out of your busy schedule for special consideration of Daniela's problem. If I can be of any further assistance or provide further information, please feel free to contact me.

Sincerely,

BRENT W. SNOW, M.D.

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[From the Congressional Research Service, the Library of Congress, Washington, DC]

CERTIFICATE

I, the undersigned physician do certify that the minor Ingrid Daniela Schlechter Pino has congenital exstrophy of the bladder. It has been treated in Salt Lake City, Utah by Dr. Snyder inasmuch as there is no experience involving its treatment in Chile, therefore her stay in the U.S.A. is justified for the good of her health.

This present certificate is issued to be submitted to Senator McClure.

In Vina del Mar, Chile, April 10, 1987.

Dr. PETER MC.COLL CALVO.

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CERTIFICATE

Ingrid Daniela Schlechter Pino, born on October 18, 1979 with a congenital exstrophy of the bladder and treated in Salt Lake City, Utah by Dr. Snyder, must continue her treatment and controls at said center, inasmuch as there is no clinical experience in this regard in this country.

In Vina del Mar, Chile, April 10, 1987.

DRA. MARIANA AMADOR NAVIA.

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By Mr. ROTH (for himself and Mr. FOWLER):

S. 1843. A bill to provide for equality of State taxation of domestic and foreign corporations; referred to the Committee on Finance.

DOMESTIC CORPORATION TAXATION EQUALITY ACT

● Mr. ROTH. Mr. President, I am pleased today to introduce for myself and Senator FOWLER a bill to provide for equality of State taxation of domestic and foreign corporations and to bring uniformity and fairness to this country's taxation of income earned overseas by U.S. corporations and their affiliates. A similar bill, H.R. 2940, was introduced in the House of Representatives by Mr. FRENZEL and 13 other Representatives, 11 of whom are members of the Committee on Ways and Means.

The Senate recently spent a considerable amount of time debating the policies of this country that impact on the ability of U.S. industry to compete in the international marketplace. Indeed, given recent events in the stock market and their relation to the trade deficit, U.S. international trade competitiveness is a national priority. The bill we are introducing today recognizes that the United States is unique in that both Federal and State tax policies can affect that competitiveness.

State governments in the United States have traditionally used a formula to ascertain how much of the income of a single corporation doing business in more than one State should be taxes by each State. Most often, that formula is the amount of the corporation's payroll, sales, and property in the taxing State compared to all States in which it does business. About one-half of the States apply this unitary method to multicompany groups operating beyond their boundaries. When the unitary method is carried one step further and overseas affiliates are included, the extension of unitary taxation is known as the worldwide unitary combination. Neither the Federal Government nor any other country uses the worldwide unitary combination.

There are compelling arguments that the worldwide unitary combination is a seriously flawed method of sourcing income for State corporate income tax purposes. Studies show that when worldwide factors are used, the formula frequently results in foreign sourced income being attributed to domestic sources, resulting in double taxation to the corporation.

This issue carries trade implications as our major trading partners, most notably the British, have threatened sanctions in the past due to several States' continued use of this method.

Confronted with threats from our trading partners and proposed Federal legislation in the 99th Congress, the number of States using this method has declined from 12 to 4. Of the remaining four—California, Alaska, North Dakota, and Montana—all but Alaska have enacted laws, which, when they take effect in 1988 and 1989, will partially but not completely solve the problems posed by its use. The changes made, for example, by California, still do not provide sufficient relief for certain U.S. corporations, fail to avoid double taxation of their foreign source income, and put them at a disadvantage in their ability to compete with foreign corporations.

In California, all the income of U.S. corporations which have less than 20 percent of their payroll, property, and sales in the United States is included in the tax base which California uses to compute the apportioned share of the corporations' taxable income. On the other hand, the income of foreign corporations which have less than 20 percent of their payroll, property, and sales in the United States is excluded from such taxation.

In other words, a foreign corporation with less than 20 percent of its business activity within California escapes State taxation entirely, while a similar U.S. corporation must pay foreign and State tax upon all its income without any credit or deduction given for foreign taxes already paid on its income earned outside the United States. This result is clearly discriminatory and anticompetitive.

In an April 8, 1987 letter to Governor Deukmejian, then Assistant Secretary of the Treasury for Tax Policy, J. Roger Mentz made it clear that:

There is no valid policy justification for California's subjecting two taxpayers, for example, one with a Delaware subsidiary operating primarily abroad, the other whose foreign operations are conducted through a French subsidiary, to different tax regimes; and * * * that in this era of trade competitiveness, the potential for inflicting higher tax burdens on corporations with 80/20 operations, as opposed to foreign subsidiary operations, should be avoided.

The legislation we are introducing today will allow the States to continue to apply unitary taxation on most domestic corporations and some foreign corporations. However, it will restore tax equality between United States and foreign 80/20 corporations by providing that the States may not impose tax on a worldwide unitary basis on U.S. corporations including those whose average U.S. payroll, property, and sales compared to their total payroll, property, and sales is less than 20 percent.

The bill will also recognize the double taxation inherent in State taxation of dividends that U.S. corporations receive from their overseas affiliates. It provides that the States may tax an equitable amount of such dividends—either through allowing an offsetting deduction or exclusion of at least 85 percent of such dividends, or by providing for an exemption or exclusion from tax for that portion of the dividend that effectively bears no Federal income tax by reason of the foreign tax credit mechanism.

It should be understood that this limitation of the use of the worldwide unitary income taxation is not a violation of States' rights. The legislation will not change State tax jurisdiction. States will remain territorial taxing jurisdictions free to tax all income earned within their borders. The legislation does not affect the level or rate of State tax. The States are free to impose a tax at any rate.

Given that the vast majority of States, the Federal Government or any other country does not use the worldwide unitary combination, a requirement of uniformity is not much to ask. After all the consideration and debate regarding the ability for U.S. corporations to compete on an equal basis with their overseas competitors, we would be remiss if we allowed this inefficiency in our tax system to continue.

Mr. President, I ask unanimous consent that the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1843

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Corporation Taxation Equality Act of 1987".

SEC. 2. STATE TAXATION OF FOREIGN INCOME.

Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7519. STATE TAXATION OF FOREIGN INCOME.

"(a) STATE USE OF WORLDWIDE UNITARY METHOD PROHIBITED.—No State shall impose tax on any taxpayer on a worldwide unitary basis. Notwithstanding the foregoing, this subsection shall not preclude any State from permitting a taxpayer to be taxed on a worldwide unitary basis pursuant to an unconditional election by such taxpayer.

"(b) STATE TAXATION OF FOREIGN-SOURCE DIVIDENDS—No State shall require the inclusion in the income base upon which State income tax of a corporation is calculated of more than an equitable portion of any dividend received from another corporation, other than a corporation described in section (c)(2) (A) through (E). For purposes of this subsection (b), a State shall not be considered to include in the income base more than an equitable portion of dividends described in the preceding sentence if it—

"(1) excludes from the income base at least 85 percent of such dividends; or

"(2) excludes from the income base the portion of the dividend that effectively bears no Federal income tax after application of the foreign tax credit.

This subsection shall not be construed to permit State taxation of any dividend not subject to State taxation prior to enactment of this section.

"(c) DEFINITIONS.—

"(1) INCOME TAX.—For purposes of this section, the term 'income tax' shall include any State franchise or other tax which is imposed upon or measured by the income of the taxpayer.

"(2) WORLDWIDE UNITARY BASIS.—For purposes of this section, the term 'worldwide unitary basis' means that in computing its State income tax liability a corporation includes in the income base on which the tax is calculated any share of the income of any corporation other than a corporation that is a member of the same controlled group of corporations and is:

"(A) a domestic corporation (excluding a corporation that has made an effective election under section 936);

"(B) a corporation described in section 922;

"(C) a corporation organized in the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands;

"(D) any foreign corporation if (i) such corporation is subject to State income tax in at least one State by virtue of its business activities in that State, and (ii) the average of the percentages of such corporations property (based on its aggregate original cost), compensation payments made for personal services (determined for its most recent Federal taxable year), and sales (determined for its most recent Federal taxable year) that are assignable to 1 or more locations in the United States is at least 20 percent; or

"(E) any foreign corporation described in subsection (c)(3).

"(3) CERTAIN FOREIGN CORPORATIONS.—A foreign corporation is described in this subparagraph if such corporation—

"(A) is a member of a controlled group of corporations;

"(B) either carries on no substantial economic activity or makes at least—

"(i) 50 percent of its sales,

"(ii) 50 percent of its payments for expenses other than payments for intangible property, or

"(iii) 80 percent of all of its payments for expenses,

to one or more corporations that are described in subparagraph (A) through (D) of paragraph (2) and that are within the controlled group of corporations referred to in subparagraph (A) of this paragraph; and

"(C) under standards established in regulations to be prescribed by the Secretary, is not subject to substantial foreign tax on its net income.

"(4) CERTAIN DOMESTIC CORPORATIONS TREATED AS FOREIGN CORPORATIONS.—For purposes of paragraphs (2) and (3), a domestic corporation shall be treated as a foreign corporation if the average of the percentages of such corporation's property (based on its aggregate original cost), compensation payments for personal services (determined for its most recent Federal taxable year), and sales (determined for its most recent Federal taxable year) that are assignable to one or more locations in the United States is less than 20 percent.

"(5) CONTROLLED GROUP.—For purposes of this section, the term 'controlled group' has the same meaning given to such term by section 267(f)(1), except that the determination shall be made without regard to section 1563(b)(2)(C).

"(6) CERTAIN BANK BRANCHES.—For purposes of this section, a domestic branch of a foreign corporation shall be treated as a separate corporation that is incorporated in the United States if such branch is engaged in the commercial banking business. For purposes of the preceding sentence, a branch is engaged in the commercial banking business if (i) the predominant part of its business consists of receiving deposits or making loans and discounts, and (ii) it is subject to supervision and examination by State or Federal authorities having supervision over banking institutions. The Secretary may issue regulations providing that for purposes of this section domestic branches of foreign corporations in other specified industries shall be treated as separate corporations incorporated in the United States."

SEC. 3. EFFECTIVE DATE.

The amendment made by this Act shall be effective for taxable years beginning after December 31, 1987.●

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By Mr. KARNES:

S. 1844. A bill to provide for the orderly implementation of Environmental Protection Agency programs established to comply with the Endangered Species Act of 1973; to the Committee on Agriculture, Nutrition, and Forestry.

PROTECTING ENDANGERED SPECIES FROM FARM PESTICIDES

● Mr. KARNES. Mr. President, I am today introducing companion legislation to a bill that was introduced by Congressman PAT ROBERTS and others, including Nebraska's Congresswoman VIRGINIA SMITH, on October 14, 1987 in the House of Representatives.

There have been a number of newspapers and farm journal articles in my State of Nebraska that have expressed concern about pending actions by the Environmental Protection Agency in protecting endangered species from farm pesticides. Action by the EPA in fulfilling its obligations under the Endangerd Species Act of 1973 is due to begin in February 1988.

Mr. President, there is a great deal of merit in protecting the natural resources in rural areas such as those in my own State of Nebraska. And, as a farmer, I feel we should do all that we can to ensure that pesticide applications are made prudently and safely. Farmers know that they are stewards of the land and its animal and plant life.

What concerns me is the level and degree of uncertainty surrounding this issue I encounter as I travel around the State and talk to agricultural producers and others. The bill I am introducing in the Senate will delay implementation by the Environmental Protection Agency until a program can be implemented to fully inform persons engaged in agricultural production of the proposed program or requirements.

Maps published in farm journals in my State of Nebraska show shaded areas that cover a significant portion of the entire State. However, conversations with appropriate Government spokespersons indicate that in many instances the area affected would be much, much more narrowly affected. For example, the maps mark out entire counties for inclusion in the program based on the fact that rivers run through the counties. But, it is clear that only a small portion of the total land area within those counties is actually affected by the rivers or contain riverbed areas that are important for most endangered species purposes. Obviously, many of my constituents are apprehensive about programs and boundaries that may be drastically over-inclusive. My legislation will provide some breathing room to address those concerns before the program goes into effect.

The bill will require a 240-day period during which EPA and the Department of Agriculture will conduct a joint study of economic impact of pesticide regulations the EPA plans to implement. It is vitally important to have this information available to be considered in the decisionmaking process before restrictions are implemented. It seems to me that the farmers of the country might have a legitimate interest in having some participation in this process before controls are set in place.

Of course, the 240-day study period would be meaningless if the EPA controls would go into effect regardless, so the bill temporarily suspends implementation of controls during the study period.

Mr. President, the level of trust of Government on the part of many farmers has rightfully eroded to very low levels over the past few years. Implementation of major programs that can have equally major impact on local farming operations, as has been proposed with these EPA provisions, without hearings or explanation on the part of the Federal agency involved, do much to heighten that sense of distrust. Cooperation and communication are necessary if the EPA is to succeed and to earn the confidence of the people involved. I think that this bill encourages that dialog.

Mr. President, I think this legislation is necessary to make sure that all aspects of pesticide controls are considered before they take effect, especially those aspects that directly affect the manner in which farmers conduct their business. I urge its quick consideration.●

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By Mr. HATFIELD:

S. 1845. A bill to provide relief to Columbia Sportswear Co. with respect to the tariff classification of certain wearing apparel, and for other purposes; to the Committee on Finance.

RELIEF OF COLUMBIA SPORTSWEAR CO.

● Mr. HATFIELD. Mr. President, in more than 20 years of service in the U.S. Senate, I have introduced relatively few bills to give direct relief to individual constituents or companies. I have limited introduction of such legislation to extreme cases where there has been a gross injustice perpetrated by the Government. Such an injustice was inflicted upon the Columbia Sportswear Co. of Portland, OR earlier this year. Every effort has been made to resolve a dispute between the company and the Customs Service administratively, but the Customs Service tells me that they are unable to provide the warranted relief unless private relief legislation is enacted. That is why I rise today to offer this much needed legislation, and to appreciate the inequity of the situation, permit me to inform my colleagues with the background of this matter.

Columbia Sportswear was founded in 1937 and has grown to become a leading manufacturer of outdoor clothing. The company, which is owned and operated by Gert Boyle and her son, Tim Boyle, employs 200 people and has increased sales from $1 million in 1975 to $20 million last year. Corporate headquarters are located in Portland, OR, the site of one of the company's distribution centers. A manufacturing and distribution center is located in Chaffee, MO. In addition to Tennessee, Washington, and Oregon production facilities, Columbia Sportswear also imports products from Korea, Taiwan, Hong Kong, and Japan.

For the past 2 years the company has imported, through the Port of Portland, OR, a number of garments which consist of an outer shell and an inner liner. Because of the lead time necessary to complete production on garments, Columbia Sportswear works very closely with the import specialist at the Customs office in Portland in determining the proper classification of garments it will import. With each new garment to be imported, the company provides the local Customs specialist a sample and in return receives tariff classification and quota category advice. Since 1985, when Columbia Sportswear created the shell and liner style, the Customs specialist determined on at least five occasions that the design was properly classified as one garment. Relying upon that advice, the company imported over 75,000 garments. It was not until May 20, 1987, 1½ years after the initial rulings, that the local office advised Columbia that it would request a review classification from the New York Customs office.

Although the outer shell/inner liner garments consistently have been classified under the Tariff Schedule of the United States as one garment since the date of first importation, on July 16, 1987, pursuant to an advisory opinion received from the New York Seaport, the Portland Customs office notified Columbia Sportswear that the classification would be changed. Each garment consisting of a shell and a liner was treated as two garments for tariff classification and import quota purposes.

The Customs Service Import Specialist at the Port of Portland told Columbia Sportswear that the classification change would be applied to all future entries of merchandise as well as to all garments already imported with unliquidated entries. This reclassification placed extreme hardships on Columbia. Over 90 percent of the garments contained in the Columbia Sportswear Fall 1987 line were sold between January and March at published prices. Therefore, an increase in duty prices could not be passed on to customers.

Mr. President, Columbia Sportswear has gone beyond all reasonable efforts to work closely with Customs officials in apprising them of the nature and construction of garments in order to obtain proper classification prior to actual importation. Justifiably relying upon five written advisory rulings, the company planned its business operations by pricing its product based on

expected duty rates. The company does not question Custom's ability to change tariff classifications when formal procedures are followed; it only wants to be assured that it does not incur financial hardship without reasonable notice. Basic due process procedures require such reasonable notice and it is patently unfair to change the classification of an item without consultation with the importer.

The legislation I am introducing today simply allows Columbia Sportswear to import as one item specific garments ordered prior to the date the company was notified that a new ruling would be requested from New York. For those items already liquidated as two garments, Columbia is entitled to receive the appropriate refund of any duty paid.

Mr. President, I ask unanimous consent that the entire bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1845

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to classify as an entirety under Item 376.54, Item 376.56, or Item 748.45, Tariff Schedules of the United States, as appropriate, notwithstanding the provisions of headnote 3, Schedule 3, Part 6 of the Tariff Schedules of the United States, the following articles imported by, or on behalf of, Columbia Sportswear Company, Portland, Oregon—

(1) Covey Parka—Style numbers 1454, 1455, 1456;

(2) Klamath Parka—Style numbers 1452, 1453;

(3) Covey Vest—Style numbers 1442, 1443;

(4) Bugaboo Parka—Style numbers 1636, 1736, 1836, 2636;

(5) Backbowl Pant—Style numbers 5032, 5132;

(6) Whirlirbird Parka—Style numbers 1631, 1731, 3010, 3011, 3801, 3802;

(7) Bugaboo Suit—Style numbers 5034, 5134; and

(8) Wasatch Parka—Style numbers 1632, 1732, 1832.

SEC. 2. The provisions of section 1 of this Act shall apply to all such articles ordered from suppliers on or before May 20, 1987, and entered, or withdrawn from warehouse for consumption, at any time, whether before, on, or after the date of enactment of this Act.

SEC. 3. If the liquidation of the entry of any such article contrary to the provisions of section 1 of this Act has become final before the date of enactment of this Act, the entry shall, notwithstanding any other provision of law, be reliquidated in accordance with the provisions of section 1 of this Act and the appropriate refund of duty made.●

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By Mr. HEINZ:

S. 1847. A bill to amend the Federal Reserve Act; referred to the Committee on Banking, Housing, and Urban Affairs.

MARGIN REQUIREMENTS FOR TRANSACTIONS IN FINANCIAL INSTRUMENTS

● Mr. HEINZ. Mr. President, today I am introducing a bill which authorizes and directs the Federal Reserve Board to regulate certain transactions in specific financial instruments derived from securities products. Under the bill, the Fed is authorized to set specific margin requirements against loans used to finance the purchase of financial instruments. A financial instrument is defined to include any security that is not otherwise subject to the Board's margin authority under the Securities and Exchange Act. These include securities issued by or guaranteed by the Federal Government, financial instruments derived from an underlying security—such as futures contracts on the Dow-Jones Stock Market Index—transactions in foreign exchange, gold, silver, or any other item which the Board determines to have monetary characteristics or is a store of value. I would point out, Mr. President, that this bill specifically precludes the regulation of transactions in agricultural commodities.

This legislation is imperative, Mr. President, in light of the nearly catastrophic recent events on Wall Street. As we are too painfully aware, the market took a 508-point nosedive on black Monday—a dive whose speed was exacerbated by the use of sophisticated computerized program trading, better known in the industry jargon as stock index arbitrage and portfolio insurance. Without getting into the details of this very complex subject, it is sufficient to say that these two variations of program-related trading enable large institutional investors—when the computer gives the go sign—to buy or sell large baskets of stock and to simultaneously match that transaction with a comparable purchase or sale of the stocks' underlying derivative instruments. These underlying derivative instruments are known as stock index futures or options contracts.

Mr. President, I harbor no grudge toward the modernization of the financial markets or the use of sophisticated technology to plan and execute profitable investment strategies. I am not ready to attribute the entire blame of the market's frenetic roller-coaster ride to the use of computers, program trading and the role of financial futures. Quite franky, there are numerous other factors emanating from irresponsible fiscal and monetary policies that contributed to the downturn of the market. I am, however, convinced that the volatile and speculative components of financial futures and program trading aggravated the extent of the decline. More importantly, these components undermined the financial integrity of and confidence in not only our capital markets, but also the capital markets throughout the world.

Why do I think this? The answer is simple: the futures markets transactions are not governed by the same margin requirements—safety and soundness rules—as are our equity markets. These inequities became quite apparent on black Monday.

What are margin requirements? Margin requirements are designed to limit the amount of credit used in the purchase or short sale of stocks and convertible bonds. Since 1974, the Federal Reserve Board has been empowered to—and has—set margin requirements of 50 percent of the value of equity securities purchased. As recently as January 1986, the Fed imposed margin requirements on junk bonds used to finance the purchase of the stock of a target company in a hostile takeover if the only security behind the bonds is, in effect, the stock of the target.

Margin requirements contribute to the stability of the functioning of our capital markets, by limiting the amount of debt that can be used to acquire stock. This, in turn, eliminates the dangerous speculative influences that excessive leveraging may have not only on the markets but also the economy.

What about the stock index futures market? Unfortunately, Mr. President, the margin requirements for the futures market—set at 5 percent prior to black Monday—are miniscule in comparison to those imposed on the equity market. This enables investors to have effective ownership of more than $150,000 of stock while putting down only $6,500.

What does this do to the market, in terms of volatility? In the case of "Black Monday," the effects were twofold. First, as the market of choice for portfolio insurance, it increased volatility by generating whole-scale waves of selling following the market's decline. Why the huge selling pressure? Quite simply, when you have only a 5-percent ownership investment at stake for hedging purposes alone, it's easier to take the smaller hit, cut your losses and get out. Second, and more importantly, as the futures market becomes a haven for hedging only, it offers no opportunities for stable—long term—investors seeking to invest, with real money, for the long haul.

Mr. President, one of the primary causes of the stock market crash of 1929 was the super-volatility of the market, attributed in large part to the speculators who could buy stocks on margin of less than 10 cents on the dollar. This enabled speculators to control large amounts of stock with little cash, and added volatility and turbulence of the market when those persons got margin calls and had to sell.

If leveraged volatility triggered the 1929 debacle, what is the difference

between the crash of nearly 60 years ago and what happened on October 19? What can be said about the role played by index options and futures on stocks? What greater leverage could there be than a contract on stocks in which the speculator has to put down only a few pennies for every dollar of stocks he controls? I fail to see any difference.

Mr. President, I know that critics of this legislation say that margin requirements on futures should not be increased because futures margins are fundamentally different. They say that the purposes of equity margins—to prevent diversion of bank loans from more productive uses, to preserve financial integrity, and to prevent speculative bubbles—differ from those for futures margins. This may have been the case when the futures markets dealt exclusively with agricultural commodities, pork-bellies, corn, and soy bean, if you will. But it isn't the case now.

The futures markets has undergone a substantial and dramatic transition since 1980, particularly with respect to the trading of financial futures instruments and, most recently, the trading of futures contracts on the Dow-Jones Stock Market Index. We have seen how the speculating and hedging in these transactions have had enormous consequences: They have disrupted not only our financial markets but also those throughout the world; they have impacted our debt management and monetary policy; they have undermined the integrity of our financial system; and they have impaired our economy's productivity and expansion.

Mr. President, to date, there is no single regulatory agency vested with the authority to set minimum margin requirements for futures contracts on financial instruments. The precedent has been set with the Fed's authority on equity securities. As overseer of our Nation's monetary system, there is every theoretical and practical reason to vest in it the additional authority to set margin requirements for all futures contracts involving financial instruments, be it currency futures or stock index futures.

I know that there is a concern, Mr. President, that this bill may go too far in its approach. Critics of raising the margin requirements of futures contracts have said, "Don't kill the patient." I am not out to kill the patient; however, it is in the public interest to cut down on the excesses in the market that have become painfully obvious. An example of one such excess is the leveraging of up to $3 trillion in institutional investors. Finally, it is in the public interest to restore the integrity of and confidence in our capital markets so that small and large investor alike will have equal access to the capital allocation mechanism of the stock market.●

By Mr. KERRY (for himself and Mr. WILSON):

S. 1848. A bill to authorize a Minority Business Development Administration in the Department of Commerce; referred to the Committee on Commerce, Science, and Transportation.

MINORITY BUSINESS DEVELOPMENT ACT

● Mr. KERRY. Mr. President, last month our Nation celebrated, for the fifth consecutive year, Minority Business Development Week. As it has been in the past, MED Week this year was an important time to reflect on the accomplishments of the past and the challenges that lie ahead for all of us who share the goal of equality, and full economic participation by all Americans regardless of race, color, or creed.

As chairman of the Subcommittee on Urban and Minority Business of the Senate Small Business Committee, this goal is particularly important to me.

Let us make no mistake; there is still a tremendous amount of work to be done before we can say that racism and other forms of discrimination have been abolished in the economic marketplace. Minority business ownership is still dramatically below that of nonminority business ownership in most areas of the country, minorities are still underrepresented in the ranks of executives and managers, and minority unemployment is still roughly twice the rate of nonminority unemployment.

But while there is still much to be done, there can be no doubt that there has been a tremendous amount of progress over the last 20 years in making the American dream of economic prosperity and independence more accessible to socially and economically disadvantaged individuals. This progress can be the result of a broad range of programs and initiatives, but one program that has played a particularly effective and notable role has been the Minority Business Development Agency in the Department of Commerce, which has existed under the authority of an Executive order for nearly 20 years.

Unfortunately, in recent years this agency has been subjected to continual uncertainty about its role and its future. At various points during the past 7 years the agency has seen its budget cut, has been slated for abolition, and now since January the administration has been advancing a vague plan to transfer the program to the Small Business Administration—an agency which the administration has repeatedly tried to abolish. This kind of uncertainty makes it extremely difficult for an agency such as the MBDA to accomplish its mission, attract and retain qualified personnel, and offer consistent and useful services to the minority business community.

Mr. President, today I am pleased to join with my distinguished colleague from California, Mr. WILSON, in introducing a bill to provide permanent statutory authorization for the Minority Business Development Administration in the Department of Commerce. A similar version of this legislation was filed by Congressman KWEISI MFUME in the House as H.R. 1769 on March 24, and now has more than 26 cosponsors.

This legislation is the product of our strong opposition to the administration's proposal to transfer the Minority Business Development Agency from the Department of Commerce to the Small Business Administration. Such a move would reverse the progress this agency has made for the last 18 years in promoting and assisting our Nation's minority business community.

Those in favor of the proposed transfer argue that the MBDA and the SBA offer essentially the same assistance to socially disadvantaged firms. I believe, Mr. President, that this is not so.

The SBA, by law, is required to administer to the needs of small businesses. The MBDA, in contrast, does not operate under any size limitations, and it is the sole Government agency whose mandate is the development of minority businesses.

The SBA's programs to assist minority businesses focus on Federal setasides, authorized under section 8(a) of the Small Business Act. The MBDA, on the other hand, has formed a unique public-private network to foster the eventual commercial independence of minority firms in the marketplace. To accomplish this commendable objective, the MBDA enlists the support of Fortune 500 companies, of Big Eight accounting firms and other management consulting firms, and of Federal Agencies and Departments. All these elements participate in the operations of the agency's Minority Business Development Centers, which avail management, marketing, procurement, financial and technical expertise to minority businesses.

Furthermore, Mr. President, the MBDA provides export assistance to minority firms, helping these businesses to participate in our Nation's fight to enhance United States to minority firms, helping these businesses to participate in our Nation's fight to enhance U.S. competitiveness. I believe that the MBDA has a special role in ensuring the success of minority businesses in the mainstream of American business.

Since its formation in 1969, the MBDA has assisted the creation and expansion of some 300,000 minority-owned businesses, representing one-half of the country's total number of minority firms. The MBDA has channeled more than $180 billion of financ-

ing; or Federal, State, and local procurement contracts; and of purchasing orders from major U.S. corporations to the minoritory business community. In Massachusetts alone, the agency has created 7,000 new jobs, provided assistance to thousands of companies, and generated over $30 million of contracts and $60 million of financing.

Mr. President, my distinguished colleagues, such an important institution should not operate under conditions of such uncertainty. I urge your support of the establishment of a permanent Minority Business Development Administration within the Department of Commerce to demonstrate the commitment of this Congress to the success of the minority business community.

Mr. President, my distinguished colleagues, time is of essence in this matter. Ironically, in the past, the Reagan administration has repeatedly called for the dissolution of the Small Business Administration and the incorporation of the latter's functions into the Department of Commerce. Also, in the wake of the Wedtech scandal, a serious breach of confidence has finally surfaced regarding this administration's sensitivity to small businesses in general, and minority small businesses in particular. I am currently working with my colleagues on the Small Business Committee to enact reforms in the SBA's 8(a) Federal setaside program, with a view toward curbing political abuses and improving minority access to Federal contracts. Given the atmosphere of crisis, the SBA is in no condition to assume the additional responsibilities of the MBDA.

I hope that all Members of the Senate that care about the progress of our minority citizens will join us in the effort to block President Reagan's proposal to transfer the MBDA from the Department of Commerce to the Small Business Administration. Both the Budget and Appropriations Committees have already rejected the administration's proposal to transfer the MBDA to the SBA; at least for now. Nevertheless, it is critically important that we act now to insure a permanent home for this agency at the Department of Commerce.●

● Mr. WILSON. Mr. President, this fall has been a season of celebrations. We have rejoiced in the 200th birthday of our Constitution, giving thanks for the basic principles this document embodies—life, liberty, and the pursuit of happiness. It has been a time for all Americans to reflect upon the freedoms they enjoy to pursue their life, fulfill their dreams. In this vein, last month, we celebrated the achievements of minority entrepreneurs who have left their own impact upon the American economy—and the American dream.

Many of us have worked to assure that America is and will remain a color-blind society. That means America must offer, in fact as well as in law, full participation in the free enterprise system for all Americans. Full participation does not guarantee anyone market share or profit, but it does mean that in America we must and will offer opportunity and access to all our people or at least to all who have courage to take a risk in the marketplace.

Therefore, I think it appropriate, Mr. President, that we ensure that those Federal programs promoting minority enterprise remain available to individuals who need them. The primary Federal agency whose mission is to develop and coordinate a national program for minority business enterprise is the Minority Business Development Agency [MBDA], established in 1969 by the Secretary of Commerce.

Created to assist minority business in achieving effective and equitable participation in the American free enterprise system and in overcoming social and economic disadvantages that have limited their participation in the past, the agency provides national policies and leadership in forming and strengthening a partnership of business, industry, and Government with the Nation's minority businesses. According to a recent Commerce Department study, MBDA assisted 4,906 minority business men and women in fiscal year 1986 to obtain $802.5 million in contracts, and 1,665 minority businesses to achieve $377.7 million in financial packages.

Presently, MBDA operates under an Executive Order and therefore faces continual uncertainty regarding its future. In fact, the agency's existence has been threatened by several efforts to transfer the agency to the Small Business Administration [SBA]. In my view, action of this sort is completely misguided for several reasons.

First, SBA programs are designed primarily to address the needs of nonminority small businesses. In contrast, MBDA is the sole Government agency whose mandate is the development of minority business. Second, MBDA operates its Minority Development Programs through private Big Eight accounting firms and business management firms striving for eventual commercial independence, while SBA's programs offer no specialized assistance program to minority businesses. Another area in which MBDA offers services to minority firms is the identification of potential foreign markets. SBA does not provide such assistance.

Clearly, MBDA offers a unique and valuable array of assistance and services to minority businesses, separate from those offered by SBA. For this reason, I am joining my distinguished colleague from Massachusetts, Senator KERRY, in introducing the Minority Enterprise Development Act of 1987 to provide legislative authorization for an administration under the Department of Commerce to assist in the development of minority-owned businesses. Quite simply, this legislation would make the current agency permanent, preventing any future actions to transfer MBDA to SBA, thereby ensuring that management and technical assistance for minority businesses will remain available in the future.

Mr. President, I hope that my colleagues will join Senator KERRY and me in this effort and would urge the immediate adoption of the Minority Enterprise Development Act.●

## ADDITIONAL COSPONSORS

S. 450

At the request of Mr. ARMSTRONG, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Utah [Mr. HATCH], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 450, a bill to recognize the organization known as the National Mining Hall of Fame and Museum.

S. 542

At the request of Mr. ARMSTRONG, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 542, a bill to recognize the organization known as the "Retired Enlisted Association, Incorporated."

S. 747

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 747, a bill to establish a motor carrier administration in the Department of Transportation, and for other purposes.

S. 1315

At the request of Mr. HATCH, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1315, a bill to provide for Federal incentive grants to encourage State health care professional liability reform.

S. 1346

At the request of Mr. MATSUNAGA, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1346, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1489

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Florida

[Mr. CHILES], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 1489, a bill to amend section 67 of the Internal Revenue Code of 1986 to exempt certain publicly offered regulated investment companies from the disallowance of indirect deductions through passthrough entities.

S. 1519

At the request of Mr. LAUTENBERG, the names of the Senator from Washington [Mr. ADAMS], the Senator from Louisiana [Mr. BREAUX], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Utah [Mr. GARN], the Senator from Ohio [Mr. GLENN], the Senator from Massachusetts [Mr. KERRY], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Maryland [Ms. MIKULSKI], the Senator from Maine [Mr. MITCHELL], the Senator from Oklahoma [Mr. NICKLES], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Maryland [Mr. SARBANES], the Senator from Wyoming [Mr. SIMPSON], the Senator from Virginia [Mr. WARNER], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 1519, a bill to authorize the President of the United States to award congressional gold medals to Lawrence Doby and posthumously to Jack Roosevelt Robinson in recognition of their accomplishments in sport and in the advancement of civil rights, and to authorize the Secretary of the Treasury to sell bronze duplicates of those medals.

S. 1733

At the request of Mr. HATCH, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Idaho [Mr. SYMMS], the Senator from Mississippi [Mr. COCHRAN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1733, a bill to amend the Internal Revenue Code to allow for deduction of qualified adoption expenses, and for other purposes.

S. 1742

At the request of Mr. DOMENICI, the name of the Senator from Nebraska [Mr. KARNES] was added as a cosponsor of S. 1742, a bill to provide for the minting and circulation of $1 coins, and for other purposes.

S. 1776

At the request of Mr. ARMSTRONG, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Oklahoma [Mr. BOREN], the Senator from Nebraska [Mr. KARNES], the Senator from California [Mr. WILSON], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 1776, a bill to modernize U.S. circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution.

S. 1835

At the request of Mr. EVANS, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1835, a bill to provide that each title of any bill or joint resolution making continuing appropriations that is reported by a committee of conference and is agreed to by both Houses of the Congress in the same form during a 2-year period shall be presented as a separate joint resolution to the President.

SENATE JOINT RESOLUTION 200

At the request of Mr. DIXON, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Nebraska [Mr. EXON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Georgia [Mr. FOWLER], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 200, a joint resolution to designate the period commencing on November 8, 1987, and ending on November 14, 1987, as "National Food Bank Week."

SENATE RESOLUTION 312

At the request of Mr. BAUCUS, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Delaware [Mr. ROTH], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of Senate Resolution 312, a resolution expressing the sense of the Senate with respect to ratification of the Montreal Protocol to the Vienna Convention for the Protection of the Ozone Layer.

## SENATE RESOLUTION 314—REGARDING THE AMERICAN CIVIL DEFENSE PROGRAM

Mr. SYMMS (for himself and Mr. WILSON) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 314

Whereas in this age of nuclear energy, the people of the United States are endangered by nuclear war, nuclear terrorist attacks, and nuclear accidents;

Whereas in the event of nuclear war the people are in the additional danger of starvation during the time before acquisition and food transportation can be restored;

Whereas blast and radiation shelters and food storage methods have been invented which can protect people from these nuclear dangers without evacuation;

Whereas blast and radiation shelters and food reserves have been built to protect the peoples of Switzerland, the U.S.S.R. and some other countries;

Whereas this United States Government has been established to provide for the common defense of the people;

Whereas at present no defensive blast and radiation shelters or distributed food reserves have been built for most of the people in the United States;

Whereas the Department of Defense and the Department of Agriculture have the knowledge and resources to provide this essential protection: Now, therefore, be it

*Resolved, That it is the sense of the Senate that the United States Department of Defense with the cooperation of the Department of Agriculture should provide immediately to this Congress a report on a program for the building of nuclear blast and radiation shelters and for the storage of at least one year's supply of food for every civilian and every military person in the United States within walking distance of their houses and places of work.*

Mr. SYMMS. Mr. President, today, Senator WILSON and I are submitting a sense of the Senate resolution concerning the U.S. Civil Defense Program.

When our Founding Fathers drafted the Constitution, they commanded the U.S. Government to "provide for the common defense." Unfortunately, they did not realize the awesome responsibility such a commandment would entail in the nuclear age.

Today's society must face the possibility of nuclear industrial accidents, such as the Chernobyl and Three Mile Island incidents. Also, there has been concern that nuclear weapons could be obtained by terrorists. However, most concerns center around the possibility of a thermo-nuclear war and our protection from such a war.

Mr. President, this Senator has strongly supported President Reagan's strategic defense initiative [SDI]. I believe the United States must continue to develop, test and eventually deploy a space-based defensive shield that would destroy incoming offensive nuclear weapons. Moreover, it is necessary for Congress to provide the maximum funding for SDI. While many in Congress have spoken in support of SDI, there are still many in this body and in the House, who will continually oppose such a great adventure.

Though SDI provokes a great amount of disagreement in Congress, the resolution the junior Senator from California and I are introducing today, certainly will remove the political bounds that separate many of us on the issue of nuclear defense. The resolution simply states that it is the sense of the Senate that the Department of Defense, in cooperation with the Department of Agriculture, should provide a report to Congress on a program for the building of nuclear blast and radiation shelters. These shelters must include at least 1 year's supply of food for every civilian and military person in the United States, and be within walking distance of their houses and places of work.

Mr. President, many countries realize the importance of an adequate civil defense program. The Peoples Republic of China, Switzerland, and the Soviet Union, to name three, have spent billions of dollars to build nuclear shelters and implement defense programs. Ironically, these countries have used the inventions and ideas of American scientists and engineers to develop their programs. I believe it is time for the United States to devote our resources to our own safety and security.

I encourage Senators to read the resolution, and urge their cosponsorship.

## AMENDMENTS SUBMITTED

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, FISCAL YEAR 1988

### ADAMS (AND OTHERS) AMENDMENT NO. 1123

Mr. ADAMS (for himself, Mr. REID, and Mr. HECHT) proprosed an amendment to the first reported amendment to the bill (H.R. 2700) making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes; as follows:

At the end of the first committee amendment add the following:

$141,450,000, to remain available until expended: *Provided*, That not to exceed $21,500,000 shall be available for obligation for research and development activities.

The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1988:

Olcott Harbor Improvements, New York;

Atlantic Coast of New York City from Rockaway Inlet to Norton Point, New York (Coney Island Area);

Red River Waterway, Shreveport, Louisiana to Index, Arkansas;

Miami Harbor, Florida (cleanup);

St. Petersburg, Florida (coastal area);

Westwego to Harvey Canal, Louisiana.

The Secretary of the Army shall allocate $395,000 to continue preconstruction engineering and design and develop and execute a local cooperative agreement covering all elements of the Roanoke River Upper Basin, Virginia project as described in the report of the Chief of Engineers dated August 5, 1985 and authorized in section 401(a) of the Water Resources Development Act, 1986 (Public Law 99-662).

Using funds previously appropriated in the Energy and Water Development Appropriation Act, 1987, Public Law 99-591, the Secretary of the Army is directed to undertake the following study: Indiana Shoreline Erosion, including preconstruction engineering and design, Indiana.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,046,446,000 of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterway Trust Fund, to remain available until expended, and of which not more than $7,000,000 shall be available to pay the authorized governing body of the Tohono O'odham Nation in accordance with the provisions of section 4(a) of Public Law 99-469; and in addition, $103,690,000, to remain available until expended, for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana project, $87,000,000 for work presently scheduled and $16,690,000 with which the Secretary of the Army is directed, as a minimum to award continuing contracts in fiscal year 1988 for construction and completion of each of the following features of the Red River Waterway: in Pool 3, Nantachie/Red Bayou Revetment Extension and Crain and Eureka Revetments; in Pool 4, Gahagan, Piermont, Nicholas and Howard Realignments and Coushatta Capout; and in Pool 5, Cupples Revetment. None of these contracts are to be considered fully funded and contracts are to be initiated with funds herein provided; and in addition, $13,500,000, to remain available until expended, together with funds heretofore or hereafter appropriated, with which the Secretary of the Army is directed to award a single continuing contract for construction and completion of the Cooper River seismic modification, South Carolina project authorized by Public Law 98-63: *Provided*, That no fully allocated funding policy shall apply with respect to the construction of this project; and in addition, $2,500,000, to be made available to Metropolitan Dade County, Florida, for the purpose of a 50 per centum, cost-shared project, including environmental restoration, establishing public access and a regional public park along the Miami River in the Allapatah community across from Curtis Park.

Within available funds, the Secretary of the Army, is hereby directed to construct streambank protection measures along the west shoreline of the city of Guntersville, Alabama, on Guntersville Lake, under the authority of section 14 of Public Law 79-526.

The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1988:

Sandy Hook to Barnegat Inlet, including Sea Bright to Ocean Township and Asbury Park to Manasquan, New Jersey;

Barbourville, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia, and Kentucky);

Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia and Kentucky): *Provided*, That no fully allocated funding policy shall apply with respect to the construction of Barbourville, Kentucky, and Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River West Virginia, Virginia, and Kentucky);

Cape May to Lower Township, New Jersey;

Ouachita River Levees, Louisiana;

Century Park, Lorain, Ohio;

Community Park, Sheffield Lake, Ohio.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, $26,000,000, to remain available until expended.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $315,130,000, to remain available until expended: *Provided*, That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State: *Provided further*, That with the additional funds herein appropriated, the Secretary of the Army is directed to expedite the acquisition in fee simple, of lands, excluding minerals, for public access in the Atchafalaya Basin Floodway System, Louisiana, in furtherance of the plan described in the report of the Chief of Engineers dated February 28, 1983, as authorized by Public Laws 99-88 and 99-662.

Funds provided to the Corps of Engineers are to be used in carrying out advanced engineering and design work on the Helena Harbor, Phillips County, Arkansas, project. The Corps will complete the advanced engineering and design work and be prepared to let a contract for the first phase of the construction not later than October 1, 1988.

The Secretary of the Army shall allocate $180,000 to the Mississippi River East Bank, Warren to Wilkerson Counties, Mississippi, Natchez Area project to initiate and complete in May 1988 a reevaluation of alternative plans, submission of a draft reevaluation report/Environmental Impact Statement supplement, coordination of report findings with public and other agencies, and completion and submission of the final report in December 1988.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,404,738,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which $12,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l): *Provided*, That not to exceed $10,000,000 shall be

available for obligation for national emergency preparedness programs.

GENERAL REGULATORY FUNCTIONS

For expenses necessary for administration of laws pertaining to preservation of navigable waters, $55,262,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer Automation Support Activity, and the Water Resources Support Center, $128,200,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901–5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed $2,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 225 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS

SEC. 101. In section 4(c) of Public Law 99-469, the word "Secretary" is deleted each time it appears and the words "United States" are inserted in lieu thereof.

SEC. 102. Section 1124 of Public Law 99-662 is modified to add the following new subsection:

"(e) The dollar amounts listed in this section are based on October 1985 price levels. Such amounts shall be subject to adjustment pursuant to section 902(2) of this Act. Total contributions to governments in Canada that are authorized by this section, as adjusted pursuant to section 902(2) of this Act, may fluctuate to reflect changes in the rate of exchange for currency between the United States and Canada that occurred between October 1985 and the time contributions are made.".

SEC. 103. The undesignated paragraph under the heading "Puerco River and Tributaries, New Mexico" in section 401(a) of Public Law 99-662 (100 Stat. 4082) is amended by striking out "$4,190,000", "$3,140,000", and "$1,050,000" and inserting in lieu thereof "$7,300,000", "$5,500,000", and "$1,800,000", respectively.

TITLE II

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $16,945,000: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended $699,038,000, of which $143,143,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $152,498,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation to the heading: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further,* That approximately $5,630,000 in unobligated balances of Teton Dam Failure Payment of Claims funds provided under Public Laws 94-355 dated July 12, 1976, and 94-438, dated September 30, 1976, shall be available for use on projects under this appropriation: *Provided further,* That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further,* That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further,* That of the amount herein appropriated, such amounts as may be necessary shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further,* That of the amount herein appropriated, such amounts as may be required shall be available to continue improvement activities for the Lower Colorado Regional Complex: *Provided further,* That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294): *Provided further,* That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: *Provided further,* That Plan 6 features of the Central Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acrefeet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Barlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation criteria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat.885; 43 U.S.C. 1501 et seq.): *Provided further,* That any funds expended under this Act for the purpose of conserving endangered fish species of the Colorado River system shall be charged against the increased amount authorized to be appropriated under the Colorado River Storage Project Act, as provided by section 501(A) of the Colorado River Basin Act of 1968: *Provided further,* That notwithstanding the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294), the James River Comprehensive Report on water resource development proposals may be submitted to Congress at a date after September 30, 1988, but not later than September 30, 1989.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $154,297,000: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further,* That funds advanced by water users for operation

and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a–421d), and August 6, 1956, as amended (43 U.S.C. 422a–422l), including expenses necessary for carrying out the program, $30,809,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That during fiscal year 1988 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $29,472,000: *Provided further*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver Engineering and Research Center, and offices in the six regions of the Bureau of Reclamation, $53,690,000, of which $1,000,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or the Colorado River development fund are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 13 passenger motor vehicles of which 11 shall be for replacement only; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461–467) and June 27, 1960 (16 U.S.C. 469): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for plan formulation and advance planning investigations, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.).

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 205. Of the appropriations for the Central Utah project, in this or any other Act, not more than $18,500,000 of the total in any one fiscal year may be expended by the Secretary for all administrative expenses: *Provided*, That the Inspector General of the Department of the Interior shall annually audit expenditures by the Bureau of Reclamation to determine compliance with this section: *Provided further*, That none of the Bureau of Reclamation's appropriations shall be used to fund the audit: *Provided further*, That the Bureau of Reclamation shall not delay or stop construction of the project due to this limitation and shall apply all the remaining appropriations to completion of this project, unless continuation of work on the Central Utah project would cause administrative expenses attributable to the Central Utah project to be paid from funds available for other Bureau of Reclamation projects and thereby delay their construction.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses inci-

dental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 21 for replacement only), $2,056,207,000, to remain available until expended; and of which $45,000,000 which shall be available only for the following facilities: the Cancer Research Center at the Medical University of South Carolina; the Oregon Health Science University; the Center for Advanced Microstructures and Devices, Louisiana State University; the Center for Science and Engineering, Arizona State University; and the Center for Applied Optics, University of Alabama in Huntsville.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 26 for replacement only); $1,116,000,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $1,301,000,000 in fiscal year 1988, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of section 484, of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1988 so as to result in a final fiscal year 1988 appropriation estimated at not more than $0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 22, of which 18 are for replacement only), $824,498,000, to remain available until expended: *Provided*, That within available funds, the Secretary shall commission two independent evaluations of the economic benefits associated with the Superconducting Super Collider and recommendations on a plan that could be used for any State which is awarded the project to raise or to borrow funds to help defray the overall cost of the project.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, including the acquisition of real property or facility construction or expansion, $360,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury. In paying the amounts determined to be appropriate as a result of the decision in Wisconsin Electric Power Co. v. Department of Energy, 778 F. 2d 1 (D.C. Cir. 1985), the Department of Energy shall pay, from the Nuclear Waste Fund, interest at a rate to be determined by the Secretary of the Treasury and calculated from the date the amounts were deposited into the Fund. Funds appropriated pursuant to this Act may be used to provide payments equivalent to taxes to special purpose units of local government at the candidate sites.

S. 1668, Nuclear Waste Policy Act Amendments Act of 1987, as reported to Senate on September 1, 1987, is included herein and shall be effective as if it had been enacted into law.

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities, $7,749,364,000, to remain available until expended, including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 292 for replacement only including 43 police-type vehicles; and purchase of two aircraft, one of which is for replacement only): *Provided*, That none of the funds made available by this Act may be used for the purpose of restarting the N-Reactor at the Hanford Reservation, Washington. For the purposes of this proviso the term "restarting" shall mean any activity related to the operation of the N-Reactor that would achieve criticality, generate fission products within the reactor, or discharge cooling water from nuclear operations.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000) $425,195,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $233,896,000, in fiscal year 1988 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1988 so as to result in a final fiscal year 1988 appropriation estimated at not more than $191,299,000.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,026,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for fish passage improvements at the Umatilla River Diversion and for the Ellensburg Screen Fish Passage Facilities. Expenditures are also approved for official reception and representation expenses in an amount not to exceed $2,500.

During fiscal year 1988, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $27,400,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $16,648,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,625,000 in collections from the Department of Defense from power purchases and not to exceed $1,721,000 in collections from non-Federal entities for construction projects in fiscal year 1988, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase of passenger motor vehicles (not to exceed 3 for replacement only), $258,512,000, to remain available until expended, of which $235,268,000, shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $7,003,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant

Act of 1984, to remain available until expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $2,000); $104,000,000, of which $3,000,000 shall remain available until expended and be available only for contractual activities: *Provided,* That hereafter and notwithstanding any other provision of law, not to exceed $104,000,000 of revenues from licensing fees, inspection services, and other services and collections in fiscal year 1988, may be retained and used for necessary expenses in this account, and may remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1988, so as to result in a final fiscal year 1988 appropriation estimated at not more than $0.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $72,000, to remain available until expended: *Provided,* That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 302. Not to exceed 5 per centum of any appropriation made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. Section 970.3102-7 of Department of Energy Acquisition Regulations 48 CFR Part 970, issued pursuant to section 1534 of the Defense Authorization Act for 1986, shall not apply to the management and operating contractors for the Department of Energy National Laboratories.

SEC. 306. No funds appropriated or made available under this or any other Act shall be used by the executive branch for studies, reviews, to solicit proposals, to consider unsolicited proposals, undertake any initiatives or draft any proposals to transfer out of Federal ownership, management or control in whole or in part for the purpose of enriching uranium, the facilities and functions of the uranium supply and enrichment program until such activities have been specifically authorized in accordance with terms and conditions established by an Act of Congress hereafter enacted: *Provided,* That this provision shall not apply to the authority granted to the Department of Energy under section 161g of the Atomic Energy Act of 1954, as amended, under which it may sell, lease, grant, and dispose of property in furtherance of Atomic Energy Act activities or to the authority of the Administrator of the General Services Administration pursuant to the Federal Property and Administrative Service Act of 1944 to sell or otherwise dispose of surplus property.

SEC. 307. None of the funds appropriated by this Act or any other Act may be expended by the Federal Energy Regulatory Commission for the purpose of issuing a certificate of public convenience and necessity pursuant to the application made by the Iroquois Gas Transmission System under the Commission's optional expedited certificate procedures (Docket No. CP86-523 et al.).

SEC. 308. Within three months following the date of enactment of this Act, the Federal Energy Regulatory Commission shall provide the Committee with a report describing the policies followed in implementing the Commission's responsibilities under the National Environmental Policy Act. This report shall include a description of the steps the Commission has taken to ensure that environmental reviews are conducted efficiently and in a timely manner, the willingness of the Commission to utilize the technical expertise of other Federal and State agencies, and the Commission's environmental authority regarding nonjurisdictional facilities.

## TITLE IV

## INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, except expenses authorized by section 105 of said Act, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $110,000,000.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $203,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $263,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $379,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $417,800,000, to remain available until expended: *Provided,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $208,900,000 in fiscal year 1988 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1988 from licensing fees, inspection services and

other services and collections, excluding those monies received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1988 appropriation estimated at not more than $208,900,000.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $197,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $249,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $105,000,000, to remain available until expended: *Provided,* That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code: *Provided further,* That the official of the Tennessee Valley Authority referred to as the "inspector general of the Tennessee Valley Authority" is authorized, during the fiscal year ending September 30, 1988, to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and other documentary evidence necessary in the performance of the audit and investigation functions of that official, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided further,* That procedures other than subpoenas shall be used by the inspector general to obtain documents and evidence from Federal agencies.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177: *Provided,* That nothing herein shall be deemed to affect the ability of the Chief of Engineers, United States Army Corps of Engineers and the Commissioner of the Bureau of Reclamation to reprogram funds based upon engineering-related considerations.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. None of the funds appropriated in this Act for Power Marketing Administrations or the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund or the Tennessee Valley Authority Fund, may be used to pay the costs of procuring extra high voltage (EHV) power equipment unless contract awards are made for EHV equipment manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 per centum of the bid or offering price of the most competitive foreign bidder: *Provided,* That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental costs against otherwise existing repayment obligations: *Provided further,* That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further,* That this section shall not apply to procurement of domestic end product as defined in 48 C.F.R. sec. 25.101: *Provided further,* That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

## INDIAN FINANCING ACT AMENDMENTS

### INOUYE AMENDMENT NO. 1124

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (S. 1360) to amend the Indian Financing Act of 1974, and for other purposes; as follows:

At the end of the bill, add the following:

SURETY BOND GUARANTEES

SEC. 5. The Indian Financing Act of 1974 is amended by inserting the following new section 217A after section 217:

"SEC. 217A. (a) The Secretary may guarantee and enter into commitments to guarantee a surety against loss as the result of a breach by a principal of the terms of a bid bond, payment bond, or bonds ancillary and coterminous therewith, if:

"(1) the principal is an Indian tribe, an Indian, or an economic enterprise as defined in section 3;

"(2) the contract involved does not exceed $1,250,000;

"(3) the bond is required if the principal is to be a qualified bidder on a contract or a prime contractor or subcontractor on the contract;

"(4) the principal cannot obtain the bond on reasonable terms and conditions without the guarantee;

"(5) there is a reasonable expectation that the principal will perform the conditions of the contract;

"(6) the contract meets requirements established by the Secretary for feasibility of successful completion and reasonableness of cost;

"(7) the terms and conditions of the bond are reasonable in light of the risks involved and the extent of the surety's participation; and

"(8) the guarantee or commitment limits the obligation of the Secretary to 90 percent or less of the loss incurred and paid by the surety as the result of the principal's breach of the contract and includes such terms and conditions as the Secretary may prescribe in general or as the Secretary determines on the basis of the Secretary's experience with the particular surety or, in the case of an application for a guarantee on behalf of an enterprise that is less than 100 percent Indian owned, the guarantee or commitment limits the obligation of the Secretary to not to exceed 90 percent of the contract amount that is proportionate to the percentage of Indian ownership of the economic enterprise.

"(b) The terms, conditions, and procedure prescribed by the Secretary for reimbursing a surety for the losses paid by the surety may include monthly billing by the surety to the Secretary for losses paid by the surety and payment by the Secretary based upon prior monthly payments to the surety, with subsequent adjustments by the Secretary as may be appropriate.

"(c) The Secretary may audit in the surety's office the documents, files, books, records, and other material relevant to a guarantee or commitment to guarantee under this section.

"(d) The Secretary shall establish reasonable fees to be paid by principals and premiums to be paid by sureties and shall deposit them in the Loan Guarantee and Insurance Fund under section 217 of this Act. A guarantee or commitment to guarantee under this section is a guaranteed loan for purposes of section 217 of this Act.

"(e) In this section—

"(1) 'bid bond' means a bond conditioned on the bidder on a contract entering into the contract if the bidder receives the award and furnishes the prescribed payment and performance bonds;

"(2) 'payment bond' means a bond conditioned on the payment by the principal of money to persons under a contract;

"(3) 'performance bond' means a bond conditioned on the completion by the principal of a contract in accordance with its terms;

"(4) 'surety' means the person who (A) under the terms of a bid bond, undertakes to pay a sum of money to the obligee in the event the principal breaches the conditions of the bond, (B) under the terms of a performance bond, undertakes to incur the cost of fulfilling the terms of a contract in the event the principal breaches the conditions of the contract, (C) under the terms of a payment bond, undertakes to make payment to all persons supplying labor and materials in carrying out the work under the contract if the principal fails to make prompt payment, or (D) is an agent, underwriter, or any other company or individual authorized to act for such person;

"(5) 'obligee' means (A) in the case of a bid bond, the person requesting bids for the performance of a contract, or (B) in the case of a payment bond on a performance bond, the person who has contracted with a principal for the completion of the contract and to whom the obligation of the surety runs in the event of a breach by the principal of the conditions of a payment of performance bond;

"(6) 'principal' means (A) in the case of a bid bond, a person bidding for the award of a contract, or (B) the person primarily liable to complete a contract for the obligee, or to make payments to other persons in connection with the contract, and for whose performance the surety is bound under the payment or performance bond. A principal may be a prime contractor or a subcontractor;

"(7) 'prime contractor' means the person with whom the obligee has contracted to perform the contract; and

"(8) 'subcontractor' means a person who has contracted with a prime contractor or with another subcontractor to perform a contract.

(f) The Secretary, within the 180-day period following the date of the enactment of this section, shall promulgate such regulations as may be necessary to implement this section.".

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, FISCAL YEAR 1988

### JOHNSTON AMENDMENT NO. 1125

Mr. JOHNSTON proposed an amendment to the bill (H.R. 2700) supra; as follows:

At the end of the Committee amendment, add the following:

$141,450,000, to remain available until expended: *Provided*, That not to exceed $21,500,000 shall be available for obligation for research and development activities.

The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1988:

Olcott Harbor Improvements, New York;

Atlantic Coast of New York City from Rockaway Inlet to Norton Point, New York (Coney Island Area);

Red River Waterway, Shreveport, Louisiana to Index, Arkansas;

Miami Harbor, Florida (cleanup);

St. Petersburg, Florida (coastal area);

Westwego to Harvey Canal, Louisiana.

The Secretary of the Army shall allocate $395,000 to continue preconstruction engineering and design and develop and execute a local cooperative agreement covering all elements of the Roanoke River Upper Basin, Virginia project as described in the report of the Chief of Engineers dated August 5, 1985 and authorized in section 401(a) of the Water Resources Development Act, 1986 (Public Law 99-662).

Using funds previously appropriated in the Energy and Water Development Appropriation Act, 1987, Public Law 99-591, the Secretary of the Army is directed to undertake the following study: Indiana Shoreline Erosion, including preconstruction engineering and design, Indiana.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,046,446,000 of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterway Trust Fund, to remain available until expended, and of which not more than $7,000,000 shall be available to pay the authorized governing body of the Tohono O'odham Nation in accordance with the provisions of section 4(a) of Public Law 99-469; and in addition, $103,690,000, to remain available until expended, for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana project, $87,000,000 for work presently scheduled and $16,690,000 with which the Secretary of the Army is directed, as a minimum to award continuing contracts in fiscal year 1988 for construction and completion of each of the following features of the Red River Waterway: in Pool 3, Nantachie/Red Bayou Revetment Extension and Crain and Eureka Revetments; in Pool 4, Gahagan, Piermont, Nicholas and Howard Realignments and Coushatta Capout; and in Pool 5, Cupples Revetment. None of these contracts are to be considered fully funded and contracts are to be initiated with funds herein provided; and in addition, $13,500,000, to remain available until expended, together with funds heretofore or hereafter appropriated, with which the Secretary of the Army is directed to award a single continuing contract for construction and completion of the Cooper River seismic modification, South Carolina project authorized by Public Law 98-63: *Provided*, That no fully allocated funding policy shall apply with respect to the construction of this project; and in addition, $2,500,000, to be made available to Metropolitan Dade County, Florida, for the purpose of a 50 per centum, cost-shared project, including environmental restoration, establishing public access and a regional public park along the Miami River in the Allapatah community across from Curtis Park.

Within available funds, the Secretary of the Army, is hereby directed to construct streambank protection measures along the west shoreline of the city of Guntersville, Alabama, on Guntersville Lake, under the authority of section 14 of Public Law 79-526.

The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1988:

Sandy Hook to Barnegat Inlet, including Sea Bright to Ocean Township and Asbury Park to Manasquan, New Jersey;

Barbourville, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia, and Kentucky);

Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia and Kentucky): *Provided*, That no fully allocated funding policy shall apply with respect to the construction of Barbourville, Kentucky, and Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River West Virginia, Virginia, and Kentucky);

Cape May to Lower Township, New Jersey;

Ouachita River Levees, Louisiana;

Century Park, Lorain, Ohio;

Community Park, Sheffield Lake, Ohio.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, $26,000,000, to remain available until expended.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $315,130,000, to remain available until expended: *Provided*, That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist: *Provided further*, That with the additional funds herein appropriated, the Secretary of the Army is directed to expedite the acquisition in fee simple, of lands, excluding minerals, for public access in the Atchafalaya Basin Floodway System, Louisiana, in furtherance of the plan described in the report of the Chief of Engineers dated February 28, 1983, as authorized by Public Laws 99-88 and 99-662.

Funds provided to the Corps of Engineers are to be used in carrying out advanced engineering and design work on the Helena Harbor, Phillips County, Arkansas, project. The Corps will complete the advanced engineering and design work and be prepared to let a contract for the first phase of the construction not later than October 1, 1988.

The Secretary of the Army shall allocate $180,000 to the Mississippi River East Bank, Warren to Wilkerson Counties, Mississippi, Natchez Area project to initiate and complete in May 1988 a reevaluation of alternative plans, submission of a draft reevaluation report/Environmental Impact Statement supplement, coordination of report findings with public and other agencies, and

completion and submission of the final report in December 1988.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,400,000,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which $12,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l): *Provided*, That not to exceed $10,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That none of the funds made available under "Operation and Maintenance, General" shall be used to pay the expenses of the Department of the Army regulatory activities.

GENERAL REGULATORY FUNCTIONS

For expenses necessary for administration of laws pertaining to preservation of navigable waters, $60,000,000, to remain available until expended: *Provided*, That $5,000,000 shall be available for obligation only after the Secretary of the Army in consultation with the U.S. Army Corps of Engineers has submitted to the appropriate Congressional committees concurrently with transmission of the fiscal year 1989 budget, a legislative proposal, including fee schedules, to recover all actual costs of Department of the Army-Civil regulatory programs: *Provided further*, That the Secretary of the Army shall work with the General Accounting Office to ensure that effective auditing and cost accounting procedures which meet standards acceptable to the Comptroller General are established at the earliest possible time.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer Automation Support Activity, and the Water Resources Support Center, $128,200,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed $2,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 225 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS

SEC. 101. In section 4(c) of Public Law 99-469, the word "Secretary" is deleted each time it appears and the words "United States" are inserted in lieu thereof.

SEC. 102. Section 1124 of Public Law 99-662 is modified to add the following new subsection:

"(e) The dollar amounts listed in this section are based on October 1985 price levels. Such amounts shall be subject to adjustment pursuant to section 902(2) of this Act. Total contributions to governments in Canada that are authorized by this section, as adjusted pursuant to section 902(2) of this Act, may fluctuate to reflect changes in the rate of exchange for currency between the United States and Canada that occurred between October 1985 and the time contributions are made.".

SEC. 103. The undesignated paragraph under the heading "Puerco River and Tributaries, New Mexico" in section 401(a) of Public Law 99-662 (100 Stat. 4082) is amended by striking out "$4,190,000", "$3,140,000", and "$1,050,000" and inserting in lieu thereof "$7,300,000", "$5,500,000", and "$1,800,000", respectively.

SEC. 104. None of the funds made available under "Department of Defense-Civil, Department of the Army, Corps of Engineers-Civil", except as provided for under "General Regulatory Functions", shall be used to pay the expenses of the Department of the Army-Civil regulatory activities.

TITLE II

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $16,945,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended $700,038,000, of which $143,143,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $152,498,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation to the heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That approximately $5,630,000 in unobligated balances of Teton Dam Failure Payment of Claims funds provided under Public Laws 94-355 dated July 12, 1976, and 94-438, dated September 30, 1976, shall be available for use on projects under this appropriation: *Provided further*, That within available funds $18,400,000 shall be for continuing the clean-up and related activities of the Kesterson Reservoir and the San Luis Drain of the Central Valley Project in California: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further*, That of the amount herein appropriated, such amounts as may be necessary shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further*, That of the amount herein appropriated, such amounts as may be required shall be available to continue improvement activities for the Lower Colorado Regional Complex: *Provided further*, That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294): *Provided further*, That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: *Provided further*, That Plan 6 features of the Central

Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acrefeet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Barlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation critieria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat.885; 43 U.S.C. 1501 et seq.): *Provided further,* That any funds expended under this Act for the purpose of conserving endangered fish species of the Colorado River system shall be charged against the increased amount authorized to be appropriated under the Colorado River Storage Project Act, as provided by section 501(A) of the Colorado River Basin Act of 1968: *Provided further,* That notwithstanding the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294), the James River Comprehensive Report on water resource development proposals may be submitted to Congress at a date after September 30, 1988, but not later than September 30, 1989.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $154,297,000: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further,* That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further,* That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956, as amended (43 U.S.C. 422a-422l), including expenses necessary for carrying out the program, $29,809,000, to remain available until expended: *Provided,* That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That during fiscal year 1988 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $28,472,000: *Provided further,* That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197): *Provided further,* That not to exceed $1,009,000 shall be available for the Hidalgo County Irrigation District No. 1 supplemental loan.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver Engineering and Research Center, and offices in the six regions of the Bureau of Reclamation, $53,690,000, of which $1,000,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or the Colorado River development fund are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 13 passenger motor vehicles of which 11 shall be for replacement only; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467) and June 27, 1960 (16 U.S.C. 469): *Provided,* That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for plan formulation and advance planning investigations, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided,* That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.).

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided,* That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 205. Of the appropriations for the Central Utah project, in this or any other Act, not more than $18,500,000 of the total in any one fiscal year may be expended by the Secretary for all administrative expenses: *Provided,* That the Inspector General of the Department of the Interior shall annually audit expenditures by the Bureau of Reclamation to determine compliance with this section: *Provided further,* That none of the Bureau of Reclamation's appropriations shall be used to fund the audit: *Provided further,* That the Bureau of Reclamation shall not delay or stop construction of the project due to this limitation and shall apply all the remaining appropriations to completion of this project, unless continuation of work on the Central Utah project would cause administrative expenses attributable to the Central Utah project to be paid from funds available for other Bureau of Reclamation projects and thereby delay their construction.

## TITLE III

## DEPARTMENT OF ENERGY

### ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 21 for replacement only), $2,056,207,000, to remain available until expended; and of which $45,000,000 which shall be available only for the following facilities: the Cancer Research Center at the Medical University of South Carolina; the Oregon Health Science University; the Center for Advanced Microstructures and Devices, Louisiana State University; the Center for Science and Engineering, Arizona State University; and the Center for Applied Optics, University of Alabama in Huntsville.

### URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 26 for replacement only); $1,116,000,000, to remain available until expended: *Provided,* That revenues received by the Department for the enrichment of uranium and estimated to total $1,301,000,000 in fiscal year 1988, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of section 484, of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1988 so as to result in a final fiscal year 1988 appropriation estimated at not more than $0.

### GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 22, of which 18 are for replacement only), $824,498,000, to remain available until expended: *Provided,* That within available funds, the Secretary shall commission two independent evaluations of the economic benefits associated with the Superconducting Super Collider and recommendations on a plan that could be used for any State which is awarded the project to raise or to borrow funds to help defray the overall cost of the project.

### NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, including the acquisition of real property or facility construction or expansion, $360,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury. In paying the amounts determined to be appropriate as a result of the decision in Wisconsin Electric Power Co. v. Department of Energy, 778 F. 2d 1 (D.C. Cir. 1985), the Department of Energy shall pay, from the Nuclear Waste Fund, interest at a rate to be determined by the Secretary of the Treasury and calculated from the date the amounts were deposited into the Fund. Funds appropriated pursuant to this Act may be used to provide payments equivalent to taxes to special purpose units of local government at the candidate sites.

S. 1668, Nuclear Waste Policy Act Amendments Act of 1987, as reported to Senate on September 1, 1987, is included herein and shall be effective as if it had been enacted into law with the following amendments included:

(1) On page 13, line 5, strike the word "If" and insert in lieu thereof the phrase "Except as provided in subsection (1), if"; and

(2) On page 18, after line 17, insert the following new subsection (1):

"(1)(l)(A) There is established a MRS Review Commission (hereinafter in this subsection referred to as the 'MRS Commission'), which shall consist of three members who shall be appointed by and serve at the pleasure of the President pro tempore of the Senate and the Speaker of the House of Representatives.

"(B)(i) Members of the MRS Commission shall be appointed not later than thirty days after the date of the enactment of this subsection from among who persons as a result of training, experience and attainments are exceptionally well qualified to evaluate the need for a monitored retrievable storage facility as a part of the nation's nuclear waste management system.

"(C) The MRS Commission shall prepare a report on the need for a monitored retrievable storage facility as a part of a national nuclear waste management system that achieves the purposes of this Act. In preparing the report under this paragraph, the MRS Commission shall—

"(i) review the status and adequacy of the Department's evaluation of the systems advantages and disadvantages of bringing such a facility into the national radioactive waste disposal system;

"(ii) obtain comment and available data on the subject from affected parties, including states containing potentially acceptable sites;

"(iii) evaluate the utility of such a facility from a technical perspective; and

"(iv) make a recommendation to Congress as to whether such a facility should be included in the national nuclear waste management system in order to achieve the purposes of this Act, including meeting needs for packaging and handling of spent nuclear fuel, improving the flexibility of the repository development schedule, and providing temporary storage of spent nuclear fuel accepted for disposal.

"(2) In preparing the report and making its recommendation under paragraph (1) the MRS Commission shall compare such a facility to the alternative of at-reactor storage of spent nuclear fuel prior to disposal of such fuel in a repository under this Act. Such comparison shall take into consideration the impact on—

"(A) repository design and construction;

"(B) waste package design, fabrication and standardization;

"(C) waste preparation;

"(D) the waste transportation system;

"(E) the reliability of the national system for the disposal of radioactive waste;

"(F) the ability of the Secretary to fulfill contractual commitments of the Department under this Act to accept spent nuclear fuel for disposal; and

"(G) economic factors, including the impact on the costs likely to be imposed on ratepayers of the nation's electric utilities for temporary at-reactor storage of spent nuclear fuel prior to final disposal in a repository, as well as the costs likely to be imposed on ratepayers of the nation's electric utilities in building and operating such a facility.

"(3) The report under this subsection, together with the recommendation of the MRS Commission, shall be transmitted to

Congress between January 1, 1989 and January 20, 1989.

"(4)(A)(i) If the recommendation of the MRS Commission under paragraph (1)(D) is that the national nuclear waste management system should not contain a monitored retrievable storage facility, the Secretary may exercise his authority under subsection (d)(2) unless Congress, within 90 calendar days of continuous session of Congress (as computed for purposes of section 115) after transmission of the recommendation of the MRS Commission under paragraph (3), passes, and there is enacted into law, a resolution disapproving the deployment of a monitored retrievable storage facility as a part of the national nuclear waste management system.

"(ii) Any resolution under this subparagraph shall be introduced within 30 days after the date of transmission of the recommendation of the MRS Commission under paragraph (3). Such a resolution shall be expedited and considered by Congress in accordance with the procedures for consideration of a resolution of repository siting approval under subsections 115(d) through (g), except the 60-day period in section 115(d)(3) shall be shortened to 30 days.

"(B) In all other cases, the Secretary may exercise his authority under subsection (d)(2), after the report and recommendation of the MRS Commission has been transmitted to Congress.

"(5)(A)(i) Each member of the MRS Commission shall be paid at the rate provided for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the MRS Commission, and shall receive travel expenses, including per diem in lieu of subsistance in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

"(ii) The MRS Commission may appoint and fix compensation, not to exceed the rate of basic pay payable for GS-18 of the General Schedule, for such staff as may be necessary to carry out its functions.

"(B)(i) The MRS Commission may hold hearings, sit and act at such times and places, take such testimony and receive such evidence as the MRS Commission considers appropriate. Any member of the MRS Commission may administer oaths or affirmations to witnesses appearing before the MRS Commission.

"(ii) The MRS Commission may request any Executive agency, including the Department, to furnish such assistance or information, including records, data, files, or documents, as the Commission considers necessary to carry out its functions. Unless prohibited by law, such agency shall promptly furnish such assistance or information.

"(iii) To the extent permitted by law, the Administrator of the General Services Administration shall, upon request of the MRS Commission, provide the MRS Commission with necessary administrative services, facilities, and support on a reimbursable basis.

"(iv) The MRS Commission may procure temporary and intermittent services from experts and consultants to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates and under such rules as the MRS Commission considers reasonable.

"(C) The MRS Commission shall cease to exist sixty days after the submission to Congress of the report required under this subsection.

"(D) There are authorized to be appropriated to the MRS Commission to carry out the purposes of this subsection such sums as may be necessary.".

; except that section 402 is amended by adding the following new subsection:

"(1)(1) The Secretary, or his designee, shall value land for leasehold or ownership title for purposes of site characterization and repository development in a manner that, in the opinion of the Secretary or such designee, addresses the unique geophysical attributes causing such land to be selected as a candidate site for deep geologic disposal for high-level radioactive waste and spent nuclear fuel.

"(2)(A) The Secretary, in acquiring private land for site characterization and repository development under this Act, shall, to the extent practicable—

"(i) acquire such private land only after a site characterization plan has been issued under section 113; and

"(ii) minimize the disruption of private use of lands in the vicinity of those acquired.

"(B) Nothing in subparagraph (A) affects the authority of the Secretary to secure a leasehold interest, easement, or right of way that the Secretary determines is necessary to carry out the purposes of subsection (a)(2).

"(3) The Secretary shall offer any landowner, or his heirs, first right to repurchase any land previously secured from such landowner for site characterization or repository development, should the site be found unsuitable, and after the site has been fully reclaimed as required under section 113.".

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities, $7,749,364,000, to remain available until expended, including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 292 for replacement only including 43 police-type vehicles; and purchase of two aircraft, one of which is for replacement only): *Provided*, That none of the funds made available by this Act may be used for the purpose of restarting the N-Reactor at the Hanford Reservation, Washington. For the purposes of this proviso the term "restarting" shall mean any activity related to the operation of the N-Reactor that would achieve criticality, generate fission products within the reactor, or discharge cooling water from nuclear operations.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000) $425,195,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $233,896,000, in fiscal year 1988 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1988 so as to result in a final fiscal year 1988 appropriation estimated at not more than $191,299,000.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,026,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for fish passage improvements at the Umatilla River Diversion and for the Ellensburg Screen Fish Passage Facilities. Expenditures are also approved for official reception and representation expenses in an amount not to exceed $2,500.

During fiscal year 1988, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $27,400,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $16,648,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,625,000 in collections from the Department of Defense from power purchases and not to exceed $1,721,000 in collections from non-Federal entities for construction projects in fiscal year 1988, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase of passenger motor vehicles (not to exceed 3 for replace-

ment only), $258,512,000, to remain available until expended, of which $235,268,000, shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $7,003,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $2,000); $104,000,000, of which $3,000,000 shall remain available until expended and be available only for contractual activities: *Provided*, That hereafter and notwithstanding any other provision of law, not to exceed $104,000,000 of revenues from licensing fees, inspection services, and other services and collections in fiscal year 1988, may be retained and used for necessary expenses in this account, and may remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1988, so as to result in a final fiscal year 1988 appropriation estimated at not more than $0.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $72,000, to remain available until expended: *Provided*, That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 302. Not to exceed 5 per centum of any appropriation made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. Section 970.3102-7 of Department of Energy Acquisition Regulations 48 CFR Part 970, issued pursuant to section 1534 of the Defense Authorization Act for 1986, shall not apply to the management and operating contractors for the Department of Energy National Laboratories.

SEC. 306. No funds appropriated or made available under this or any other Act shall be used by the executive branch for studies, reviews, to solicit proposals, to consider unsolicited proposals, undertake any initiatives or draft any proposals to transfer out of Federal ownership, management or control in whole or in part for the purpose of enriching uranium, the facilities and functions of the uranium supply and enrichment program until such activities have been specifically authorized in accordance with terms and conditions established by an Act of Congress hereafter enacted: *Provided*, That this provision shall not apply to the authority granted to the Department of Energy under section 161g of the Atomic Energy Act of 1954, as amended, under which it may sell, lease, grant, and dispose of property in furtherance of Atomic Energy Act activities or to the authority of the Administrator of the General Services Administration pursuant to the Federal Property and Administrative Service Act of 1944 to sell or otherwise dispose of surplus property.

SEC. 307. None of the funds appropriated by this Act or any other Act may be expended by the Federal Energy Regulatory Commission for the purpose of issuing a certificate of public convenience and necessity pursuant to the application made by the Iroquois Gas Transmission System under the Commission's optional expedited certificate procedures (Docket No. CP86-523 et al.).

SEC. 308. Within three months following the date of enactment of this Act, the Federal Energy Regulatory Commission shall provide the Committee with a report describing the policies followed in implementing the Commission's responsibilities under the National Environmental Policy Act. This report shall include a description of the steps the Commission has taken to ensure that environmental reviews are conducted efficiently and in a timely manner, the willingness of the Commission to utilize the technical expertise of other Federal and State agencies, and the Commission's environmental authority regarding nonjurisdictional facilities.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, except expenses authorized by section 105 of said Act, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $110,000,000.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $203,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $263,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $379,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $417,800,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of

title 31, United States Code, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $208,900,000 in fiscal year 1988 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1988 from licensing fees, inspection services and other services and collections, excluding those monies received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1988 appropriation estimated at not more than $208,900,000.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $197,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $249,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $105,000,000, to remain available until expended: *Provided,* That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code: *Provided further,* That the official of the Tennessee Valley Authority referred to as the "inspector general of the Tennessee Valley Authority" is authorized, during the fiscal year ending September 30, 1988, to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and other documentary evidence necessary in the performance of the audit and investigation functions of that official, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided further,* That procedures other than subpoenas shall be used by the inspector general to obtain documents and evidence from Federal agencies.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177 or Public Law 100-119: *Provided,* That nothing herein shall be deemed to affect the ability of the Chief of Engineers, United States Army Corps of Engineers and the Commissioner of the Bureau of Reclamation to reprogram funds based upon engineering-related considerations.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. None of the funds appropriated in this Act for Power Marketing Administrations or the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund or the Tennessee Valley Authority Fund, may be used to pay the costs of procuring extra high voltage (EHV) power equipment unless contract awards are made for EHV equipment manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 per centum of the bid or offering price of the most competitive foreign bidder: *Provided,* That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental costs against otherwise existing repayment obligations: *Provided further,* That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further,* That this section shall not apply to procurement of domestic end product as defined in 48 C.F.R. sec. 25.101: *Provided further,* That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

## KARNES AMENDMENT NO. 1126

(Ordered to lie on the table.)

Mr. KARNES submitted an amendment, intended to be proposed by him, to the bill (H.R. 2700), supra; as follows:

On page 20, line 3, insert the following: strike "$699,038,000" and insert "$700,038,000."

At the bottom of page 23, insert the following: *"Provided further,* That $1 million shall be available for use on the Davis Creek Dam, North Loup Division, Nebraska."

## NOTICE OF HEARING

SUBCOMMITTEE ON INNOVATION, TECHNOLOGY AND PRODUCTIVITY

Mr. BUMPERS. Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Innovation, Technology and Productivity will hold a hearing on Wednesday, December 2, 1987, on the problems confronting small manufacturing firms in automating their facilities. The hearing will be held in room 428A and will commence at 9:30 a.m. for further information, please call Scott Hibbard of the committee staff at 224-3052, or Peter Kyriacopoulos of Senator LEVIN's office at 224-9110.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, November 4, 1987, to hold a hearing on the use and regulation of biotechnology in agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agricuture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, November 4, 1987 at 2 p.m. to markup farm credit legislation.

The PRESIDING OFFICER. Without objection, it is so ordered

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services, be authorized to meet during the session of the Senate on Wednesday, November 4, 1987, in executive session to mark up title I of S. 1085, the Nuclear Protections and Safety Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban

Affairs, be allowed to meet during the session of the Senate Wednesday, November 4, 1987, to conduct oversight hearings on the recent developments in the securities markets.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, November 4, beginning to conduct a hearing on the Nation's infrastructure needs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HAZARDOUS WASTES AND TOXIC SUBSTANCES AND THE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Hazardous Wastes and Toxic Substances and the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on November 4, beginning at 2 p.m., to conduct a joint hearing on S. 1751, a bill to require vessels to manifest the transport of municipal or other nonhazardous commercial wastes illegally disposed of at sea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on November 4, 1987, to resume oversight hearings on airline safety and reregulation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Wednesday, November 4, 1987, to conduct a hearing on "S. 1265, the Minimum Health Benefits Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### TRIBUTE TO RICHARD STOKES JONES

● Mr. INOUYE. Mr. President, on Wednesday, September 9, Richard Stokes Jones, a friend of ours from the Library of Congress, passed away after a brief illness. Richard was a specialist in the Government Division of the Congressional Research Service, Library of Congress, with particular emphasis in Indian affairs. His passing leaves a very significant gap in the capacity of the Government Division to respond to our informational needs in Indian affairs and he will be sorely missed not only by the Select Committee on Indian Affairs and the House Committee on Interior and Insular Affairs, but by all the Members of both the House and the Senate.

For those who may not be familiar with Richard's work, he compiled and edited the committee document entitled "Federal Programs of Assistance to American Indians," first published as a Senate document by the Select Committee on Indian Affairs in 1982. This is an index of available Federal programs with important information on the nature of the program, eligibility criteria, and application procedures. Richard had only recently completed its third revision and the document is now in its final printing stages.

He also organized a number of open seminars on important and often controversial Indian issues such as water rights, hunting and fishing rights, and Indian land claims. These seminars were particularly valuable in allowing all sides to air their views in a thoughtful and informative manner within the academic setting of the Library of Congress.

At the beginning of each session of Congress, Richard prepared an extensive paper outlining and explaining Indian issues the Congress could anticipate coming before it. He prepared more extensive issue briefs on specific subjects as they arose. Most important, Richard was available upon request to conduct research and provide information to the Members of Congress on a wide variety of complex subjects. His knowledge of the history of Indian affairs, of the extensive records available through the Library of Congress, and of the operations of Government relevant to Indian programs, enabled Richard to provide high quality products within the shortest possible time.

While I and my committee knew Richard principally for his work in Indian affairs, Indian issues were not his only concern. Richard first joined the staff of the Library of Congress in December 1966 as a member of the Government and General Research Division, Congressional Research Service [CRS]. Initially an analyst in history and public affairs, he developed extensive expertise in areas of research concerning civil rights and ethnic minorities. He eventually was promoted to the position of specialist in American Indian policy, and, since 1981, served as head of the Division's Civil Rights Section.

Richard's work went well beyond that which his job description required. He was recently the recipient of an outstanding performance rating in which his work was acknowledged as an exceptional "contribution to Congress' consideration and deliberation of Indian policy," an award which I can personally testify was well deserved. In his free time he traveled extensively in Indian country to gain personal knowledge of the events and problems confronting the Indian people. Most recently he traveled to both the Navajo and Hopi reservations in an effort to gain greater insight into that most difficult and traumatic issue.

I would be moved to say that Richard was that rare civil servant who extended himself far beyond the efforts that his job entailed. But that would not be entirely true, for there are many within the civil service who are truly dedicated and devoted to their jobs. But among them, Richard excelled.

Mr. President, Richard Jones was a good friend of the Congress, and a good friend of the American Indian. Already his loss is felt. On behalf of the Select Committee on Indian Affairs and his many friends in Indian affairs, I wish to extend to his father, his sister, and his many friends my deepest condolences and express the sincere appreciation of Richard felt by us all.●

### ABSENCE FROM SENATE PROCEEDINGS ON FRIDAY, OCTOBER 30

● Mr. HEINZ. Mr. President, I was unavoidably absent from Senate business last Friday, October 30, because I had to undergo an orthopedic medical procedure which prevented me from being present on the Senate floor.

Had I been present, I would have voted "aye" on the Adams amendment to the Air Passenger Protection Act of 1987, Rollcall Vote No. 360, "aye" on final passage of the Air Passenger Protection Act of 1987, Rollcall Vote No. 361, and "aye" on the Cranston motion to table the Armstrong amendment to the Federal Housing Administration extender, Rollcall Vote No. 362.●

### INFORMED CONSENT: MISSISSIPPI

● Mr. HUMPHREY. Mr. President, I ask that a letter from Mississippi in support of my informed consent legislation be entered into the RECORD at the conclusion of my remarks.

The legislation, S. 272 and S. 273, would require medical personnel in federally funded facilities to provide information about the risks, effects, and alternatives to women considering abortion. I urge my colleagues to support the bills.

The letter follows:

COLUMBUS, MS, *October 24, 1987.*

DEAR SENATOR HUMPHREY: In the spring of 1980, I had a saline abortion, I was single, five months pregnant, and desperate. I had one child from a previous marriage, and I felt there was no way I could emotionally or financially support another child.

I was seeing a gynecologist at the time who told me he didn't think I could "handle" an abortion. After my insistence, he said he would refer me (he did not perform abortions himself) only after I received counseling. I then began seeing a psychiatrist. This was still early in my pregnancy.

Throughout the counseling, we never really discussed abortion. I thought an abortion could only be performed through the fifth month of pregnancy. This is why I waited until that particular time. Finally, I called the gynecologist and told him that I was going to have an abortion. Either he could refer me to a professional medical facility or I would get one on my own. He never explained the medical procedure I would undergo and he did not advise me as to the extent of the emotional trauma abortion might have.

A few days later, I found myself at a women's clinic in Macon, Georgia along with eight or ten other frightened girls. We did not speak and we tried not to look at one another. We all just waited and waited. A nurse came into the room and "explained" briefly in very medical terms the procedure. I don't believe anyone could understand what she was saying and no one dared ask any questions. I could never have imagined what was about to take place.

We were taken one by one into separate rooms where the dilation process was begun. We were then transferred to another building like a hosptial. We each had separate rooms but we shared bathrooms with one other girl. Again, no one spoke or even looked at each other. I'll never forget thinking we must have looked and felt like a herd of cows being led to slaughter.

Upon my arrival in my room, the doctor came in and injected the saline solution into my abdomen. I then lay in labor for over 12 hours. All through the night, I could hear other girls screaming and then awful silence. A nurse came into my room three times during the night to "break my water," she said. It was the most horrible pain I have ever experienced. She had no compassion for me.

By morning, I was the only girl left who had not aborted. Finally, though, I did realize I was about to deliver and I was hysterical. Two nurses rushed in and injected some sort of drug directly into the vein in my arm. After that, everthing was foggy for a while. Two things I will never forget, though: (1) the perspiration literally dripping from the doctor's face as he delivered my baby and (2) the awful "thud" as my baby fell into the trash can.

Four years later, I found myself in another disastrous marriage. One night as I lay sleeping on the couch, I felt someone tapping my shoulder. Groggy at first, I turned over and tried to get back to sleep. Expecting to find my daughter standing there, I opened my eyes and sat up. There in front of me was a beautiful little boy, my son. I don't know how long we stared at each other, maybe for only a few seconds. But all too soon he was gone. A dream or vision, you say? Perhaps, but I don't believe it is so. I believe my son is alive and with his heavenly Father. But regardless of my beliefs, hundreds of innocent children are being slain each day by abortion.

Abortion is a totally devastating experience for anyone who naively enters into its grasp. And it is only after hours of agonizing and finally counseling that anyone can fully come to terms with what they've done. The blood of Jesus Christ can wash away our sins and in Him we can find forgiveness. However, to forgive ourselves is a little harder. Therefore, I continue in love and compassion counselling with women who face a crisis pregnancy. Regardless of their decision, they may know that someone shares their pain. And someone cares.

NAME WITHHELD.●

## APPOINTMENT OF B.R. BEEKSMA TO U.S. LEAGUE OF SAVINGS INSTITUTIONS

● Mr. EVANS. Mr. President, I rise to recognize one of Washington State's most outstanding businessmen. Today, Mr. B.R. Beeksma, of Oak Harbor, WA, will assume the office of vice chairman of the U.S. League of Savings Institutions. This position carries much responsibility in the $1.4 trillion savings institutions industry.

As vice chairman of the 3,400-member U.S. League, his business' primary trade group, Mr. Beeksma will devote the next 12 months to articulating the concerns and interests of savings institutions nationwide, and to developing an agenda that will continue the remarkable recovery those institutions have made in recent years.

Mr. Beeksma's own institution is InterWest Savings Bank of Oak Harbor, WA. He joined InterWest, then known as Island Savings and Loan Association, in January 1960. He was the chief executive officer. The institution had one office, two employees, and assets of $1 million. Under Mr. Beeksma's leadership, it grew to 28 offices, assets of upwards of $500 million, and a record of uninterrupted profitability. Today, he is InterWest's president, chairman of the board, and chief executive officer.

Active on the State and national level, Mr. Beeksma has been a director, vice president, and president of the Washington Savings League. He also has served as a director and vice chairman of the Federal Home Loan Bank of Seattle. On the national level, Mr. Beeksma has served as a director of the U.S. League, and on numerous of its most important committees, including its FSLIC recapitalization committee, legislative committee, and legislative policy committee.

He is director of Omega Insurance Co., chairman of the board of Harbor Airlines, a past president of the North Whidbey Chamber of Commerce and the Rotary Club of Oak Harbor, and has served on the board of trustees of Skagit Valley College. Mr. Beeksma is an elder, vice president and adult Bible class leader for the First Reformed Church of Oak Harbor.

Mr. President, it is with pride that I recognize my good friend Barney Beeksma's many accomplishments. I wish him much success in his new endeavors as vice chairman of the U.S. League of Savings Institutions.●

## IN ALABAMA NOVEMBER IS HEAD INJURY MONTH

Mr. SHELBY. Mr. President, this year, in the United States alone, some 700,000 people will sustain some form of head injury. I rise today to acknowledge that the month of November has been designated "Head Injury Month" in my home State of Alabama. I am proud of the good people of Alabama who I know will do their best to recognize this proclamation by the Governor and plan the appropriate activities.

The people of the State of Alabama, in commemorating head injury month, will hopefully become linked by a common interest, a common sense of responsibility, a common bond that will serve to join them in their support for these victims of head injury—some 100,000 of whom succumb to their injuries each year.

The statistics—all of which tell us that although this problem has reached mammoth proportions in this country and in the State of Alabama—indicate that there exist still some myths as to the incidence, degree, and availability of treatment for head injury.

It is the responsibility of the people of Alabama, as they participate in this month long commemoration, to help spread the word about head injury and prevention and better still, to work toward public recognition of the need for more research and assistance in this area.

When considering head injury and the vital treatment of this form of trauma—we must focus on the element of time. The difference between minutes and seconds can effectively determine the viability of a life after a head injury. That is why the availability of acute care across the State and country is of the gravest importance to everyone.

Coordination of extended rehabilitative therapy is the second step toward recovery. I know that Alabama's city hospitals provide a good deal of the care for head-injured persons and that there are several facilities that provide intense inpatient rehabilitation. But what we need to see is the development of more outpatient programs—programs that will allow head injury victims to recuperate in the community by attending day treatment centers.

In addition, there is a desperate need to focus State and national attention on the importance of community based transitional living arrangements for the head-injured. As the statistics indicate, head injury overwhelmingly strikes people in the under 40 age group. As many of these individuals

led full and independent lives prior to their injury—it seems imperative that a treatment plan focus on helping these victims return to independence as quickly as possible. Under the proper supervision, at best, victims of head injury can learn to regain the responsibility they once had—or, equally important, they can learn to live with the constraints head injury has placed on their lives.

What this all boils down to is a continuum of commitment from the Federal Government, the State government, the medical and rehabilitation professionals, the universities and hospitals, the community and of course, the families and victims themselves.

When head injury strikes—it strikes more than the victim—it strikes the family and friends who suffer through the hurt and recovery along with the injured individual—it strikes the medical and rehabilitative specialists who painstakingly try to rebuild lives—and its strikes society—often depriving us of the meaningful contributions of talented individuals.

Mr. President, as we begin the month of November, I call the attention of all my colleagues to the efforts of my home State in acknowledging the national priority of head injury prevention and awareness.

## EXPANSION OF MAJOR LEAGUE BASEBALL

● Mr. LUGAR. Mr. President, I rise to offer my enthusiastic support for the Senate Task Force on the Expansion of Major League Baseball. The task force is encouraging the fielding of new major league baseball teams whose participation in the great American pastime will benefit both the sport and several major cities throughout this Nation.

Of particular interest to the citizens of Indiana is the development of a professional baseball team whose home field would be in the Indianapolis area. In recent years, Indianapolis has poured more than $180 million into world class sports facilities, and it has received glowing evaluations from such respected publications as U.S. News & World Report and National Geographic. As host of the Pan-Am Games, the National Sports Festival, the World Indoor Track Championships, as well as various other world-class sporting events, Indianapolis has established itself as the amateur sports capital of the world.

Along with being the home of the NBA professional basketball team, the Indiana Pacers, Indianapolis is now the host of the professional football team, the Indianapolis Colts. Support for this team has been terrific. The Colts have played every home game to sell-out crowds and have established an NFL record of season ticket applications. Indianapolis is now ready to expand its participation in professional sports. Its population, economy, geographic location, and philosophy make Indianapolis the ideal location for a professional baseball team.

The tradition and fervor of athletics in Indiana are well-known and have been portrayed in the nationally acclaimed movie, "Hoosiers." It is the desire and goal of Indiana citizens to build on that fervor and to continue our long tradition of athletic interest by serving as host to a professional baseball team. Indianapolis has the fans, the resources, the community support, and the facilities. Now all we need is the team.●

## DAV VIETNAM VETERANS' NATIONAL MEMORIAL, ANGEL FIRE, NM

● Mr. BINGAMAN. Mr. President, I rise today to commend the Senate for unanimously passing House Joint Resolution 97 on Friday. This measure passed the House on May 27 and is identical to Senate Joint Resolution 106 which I introduced earlier this year to declare the Disabled American Veterans Vietnam Veterans' National Memorial in Angel Fire, NM, a memorial of national significance. Fifty-five Senators, including the majority leader and the minority leader, and my colleague from New Mexico, Senator DOMENICI, cosponsored Senate Joint Resolution 106, and I want to take this opportunity to thank them all for their support.

Mr. President, the memorial in Angel Fire truly deserves the recognition the Congress has bestowed on it. It is an inspiring memorial to those who served this country in Vietnam. It rises to a height of nearly 50 feet above a hill overlooking Moreno Valley in northern New Mexico and pays a striking complement to its natural environment. The memorial attracts visitors from all over the country. As the first Vietnam veterans memorial to be initiated and completed, it has inspired efforts to establish other Vietnam memorials around the country, including the Vietnam Veterans' Memorial in Washington, DC.

The memorial chapel was begun in 1968 by Dr. and Mrs. Victor Westphall and their son Douglas in honor of their son and brother, David, who was killed, with 12 of his Marine Corps comrades, in an ambush in Vietnam. Dr. Westphall has described the memorial as a statement of homage "to all veterans of the fighting in that Asian nation, particularly the maimed in body and spirit, and most especially to those who gave the most precious gift of all—life itself."

The chapel is a solemn memorial for all those who served and especially those who died in Vietnam. At the same time, it is a place very much for the living. The Vietnam experience was a very complex one emotionally. The chapel at Angel Fire allows veterans and others to gather to meditate, pray, and share in the peaceful calm of the site, and in doing so, to deal with those emotions. David Westphall believed deeply in the cause for which he gave his life, and saw that cause as part of an ethical framework for a peaceful world.

In support of this resolution, Kenneth G. Musselmann, DAV National Commander wrote:

> During the Vietnam War, nearly 60,000 Americans lost their lives and hundreds of thousands of its participants still carry the physical and mental scars as a result of their dedicated service to America * * * [T]he genesis of the DAV's Vietnam Veterans National Memorial has its roots in one family's determination to create a lasting reminder of war's most tragic consequence—the loss of loved ones and the snuffing out of human potential.

Mr. President, I would like to congratulate the Westphalls for their deep devotion and unflagging dedication to their son and the other veterans who served in Vietnam. I would also like to acknowledge the DAV for its vision and commitment to seeing the memorial through to its completion, and for recognizing the need to keep this memorial open to the public as a constant reminder of the sacrifices made by our Vietnam veterans. Finally, I would like to again thank and commend my colleagues who cosponsored this resolution for their support in giving the memorial at Angel Fire the recognition it deserves.●

## SENATOR DENNIS CHAVEZ DAY

● Mr. BINGAMAN. Mr. President, April 8, 1988, will be the centenary of the birth of the late Senator Dennis Chavez of New Mexico. As we near this date, I would like to call to the attention of my colleagues some of the history of this fine man and dedicated public servant.

My distinguished colleague, the senior Senator from New Mexico, recently introduced a joint resolution which I am pleased to cosponsor, designating April 8, 1988, as "Dennis Chavez Day." As the first American-born Hispanic to serve in the U.S. Senate, Dennis Chavez is an inspiration to all Americans and an example of just how far one can advance in this country with determination, courage, and hard work.

Chavez was born in his family's dirt-floor adobe home in Los Chavez, NM. Too poor to attend high school, he dropped out at the age of 14 and worked as a grocery boy to help support his family. His first contact with national politics came when he served as a Spanish interpreter for the election campaign of Senator Andrieus Jones of New Mexico. When Jones was elected and came to Washington, DC,

he brought Chavez with him and helped him get a job as a clerk for the Secretary of the Senate. From this post, Chavez had an excellent opportunity to see the inner workings of the Senate and to develop a shrewd political sense, which would serve him as a Senator. Despite his lack of formal education, he read extensively and attended Georgetown Law School, graduating in 1920.

After nearly 10 years as a successful and popular attorney, State legislator, and U.S. Representative, he was appointed to the U.S. Senate after the sudden death of Senator Bronson Cutting in 1935. One year later, Chavez was elected by the people of New Mexico to the Senate, a post he would hold for nearly the next three decades. His 28-year tenure as a U.S. Senator is the longest in New Mexico history and exceeds all but 49 of those who have served in this body.

As a Senator, Senator Chavez served with distinction as chairman of the Public Works Committee and the Appropriations Defense Subcommittee. Although he rose to great prominence in the Senate, he never forgot his humble roots and was a champion for those who were oppressed and discriminated against. During his tenure, he fought for a permanent Fair Employment Practices Commission, initiated a national health insurance program which served as a model for Medicare, and worked to ensure that American Indians, Hispanics, and other minorities were integrated as smoothly as possible into the Nation's larger society without losing their unique social and cultural identity.

He was also a leader of exceptional personal courage, raising his voice against the anti-Communist paranoia and the suppression of civil liberties at the height of the McCarthyite hysteria. Indeed, many of his colleagues felt his speech on the Senate floor on May 12, 1950, against the curtailment of liberties and the shackling of the the growth of men's mind was instrumental in turning the tide against McCarthyism.

A statue of the Senator was placed in the rotunda of the Capitol as one of two representatives of the people of New Mexico, a fitting honor for this outstanding lawmaker.

Another appropriate honor would be a commemorative stamp honoring Senator Chavez. I have been working to convince Postal Service officials to issue such a stamp. I have written Postmaster General Tisch and Chairman Faries of the Citizens' Stamp Advisory Committee [CSAC] requesting that they announce at the next meeting of the CSAC plans to issue such a stamp sometime in the future. There is widespread support for a stamp. To date, 35 Representatives, 20 Senators, and numerous leaders in and out of Government have endorsed it. I ask that a copy of my letter and the response from the Postal Service be inserted in the RECORD following my remarks. I remain hopeful that the CSAC will recognize the national and historical importance of commemorating Senator Chavez and will announce the stamp at their December meeting.

I sincerely hope the Senate will support the resolution designating a day to honor Dennis Chavez. His true life Horatio Alger story from humble beginnings to one of the most powerful men in the U.S. Senate in his era, shows how far one can go in America and serves as an inspiration for us all. "Dennis Chavez Day" will help bring the story of this remarkable man to the people of this country. I urge my colleagues to support it.

The material follows:

U.S. SENATE,
*September 25, 1987.*

Hon. PRESTON R. TISCH,
*Postmaster General, U.S. Postal Service, Washington, DC*

DEAR MR. POSTMASTER GENERAL: We are writing to urge your reconsideration of the decision not to issue a commemorative stamp honoring the centenary of the late United States Senator Dennis Chevez of New Mexico.

Senator Chevez was the first American born Hispanic elected to serve in the U.S. Senate where he represented the people of New Mexico for 27 years. In his role as a Senator, he served not only as a national leader on behalf of the people of New Mexico, but as Chairman of the Committee on Public Works, and as a policymaker on the powerful Defense Appropriations Subcommittee. Despite his leadership role in the U.S. Senate, he never forgot his humble beginnings, always speaking out for the poor, the underprivileged, and the oppressed.

Although not all of us had the privilege of knowing Senator Chevez, we are all familiar with him impressive reputation. But it is not simply his successful tenure in the Senate which prompts us to send this letter. Senator Chevez' entire career exemplifies a true American success story. He was a shining example of just how far one can get in this country of ours, even against the most difficult odds. The issuance of a stamp honoring this great American would bring him and the Hispanic community as a whole the recognition and honor they deserve.

It is our understanding that the 1988 and 1989 stamp programs have already been finalized. Nonetheless, an announcement in 1988 to accompany the centenary celebration of the late Senator that a stamp honoring Senator Chevez would be released at a future date would be an important and necessary first step. We are aware that the Citizens' Stamp Advisory Committee will reconvene October 9. We respectfully request that you recommend to the committee that such an announcement is appropriate in light of the national and historical interest of this commemoration.

Thank you for your kind reconsideration of this important matter:

Sincerely,

Jeff Bingaman, Jim Sasser, Strom Thurmond, Bill Proxmire, Pete V. Domenici, Quentin Burdick, Robert Dole, Alan Cranston, Claiborne Pell, Albert Gore, Jr., John C. Stennis, Lawton Chiles, David Pryor, Bill Cohen, Harry Reid, and Robert C. Byrd.

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THE POSTMASTER GENERAL,
*Washington, DC, October 15, 1987.*

Hon. JEFF BINGAMAN,
*U.S. Senate, Washington, DC.*

DEAR SENATOR BINGAMAN: This is in reference to your expressed interest in a commemorative stamp to honor Dennis Chevez.

As you know, the Citizens' Stamp Advisory Committee met last week and among their items of business was consideration of the proposal for a Dennis Chevez commemorative stamp. After careful deliberation, the Committee did not recommend the issuance of such a stamp.

This action by the Committee reflects the difficult decisions it must make in dealing with a limited stamp program. Although meritorious, many recommendations do not result in stamp issuances.

Sincerely,

PRESTON R. TISCH.●

## HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987

● Mr. DODD. Mr. President, this year marks the 50th anniversary of our Nation's commitment to public housing. Sadly, this year is also marked by a blight of homelessness across America and an ever increasing lack of safe, decent and affordable housing for low- and moderate-income Americans. It is my hope, in this anniversary year of houing, that we recommit our energy and resources toward meeting the pressing housing needs of low- and moderate-income Americans.

Even as we stand here today, the conferees to S. 825, the Housing and Community Development Act of 1987, are taking the final steps toward approving the first comprehensive housing legislation in 4 years. Housing programs have shouldered a disproportionate burden of budget cuts in the Reagan years. The passage of S. 825 is critical to our efforts to revive the Nation's historic and bipartisan commitment to decent shelter for all Americans.

In that bipartisan spirit and to emphasize the crucial importance of passing the housing legislation, the National Low Income Housing Coalition has gathered the signatures of over 1,500 State and local groups and nearly 100 national organizations who support the swift passage of S. 825. Such groups include the American Association of Retired Persons, the Council of Large Public Housing Agencies, the U.S. League of Women Voters, the National Urban League, the National Puerto Rican Coalition, the National League of Cities, the U.S. Conference of Mayors, Asian Americans for Equality, the National Coalition of LaRaza, the McCauley Institute, the American Planning Association and the National Neighborhood Coalition.

Mr. President, I would urge my colleagues to pay close attention to the

bipartisan support that exists in their States for the reestablishment of sound national housing policies and for the passage of this legislation. I would further urge my colleagues to support the final adoption of the housing legislation on which so many our citizens depend.

I ask, Mr. President, that the "Open Letter to the 100th Congress Urging Adoption of Housing Legislation" and a list of its signatories, be printed in the RECORD.

The material follows:

OPEN LETTER TO THE 100TH U.S. CONGRESS URGING ADOPTION OF HOUSING LEGISLATION

The undersigned organizations are writing to urge you to support the final adoption by the Congress of legislation authorizing the low income housing and community development programs of HUD and the Farmers Home Administration (FmHA).

Since 1981, budget authority for HUD's housing assistance programs alone has been cut by more than 60 percent. Funding for Community Development Block Grants has been cut by more than 30 percent, further reducing state and local governments' ability to cope with the low income housing crisis. During this time, homelessness has soared. Millions of families, children and working men and women have been added to an already overburdened emergency system that attempts to provide shelter and meals on a first come, first serve basis. Low income elderly individuals and families compete for scarce public housing units or section 8 certificates and/or vouchers, remaining on waiting lists in many areas for up to 10 years. Our country cannot afford further reductions in federal housing and community development assistance programs. Nor can we afford another year without Congress acting to reaffirm its historic bipartisan commitment to helping all Americans enjoy an affordable, safe and sanitary home in a decent neighborhood.

The time to act on a housing bill is now! Congress has not passed a free-standing housing and community development authorization bill since 1981, and the need for these programs is still tremendous. Both the House and Senate have passed legislation in 1987 which would extend and revise current programs and introduce valuable new initiatives to meet the growing need for affordable housing.

A Conference Report will be presented to you for approval before the end of the first session of the 100th Congress. We strongly urge you, our Congress, to pass a housing and community development authorization bill this year. We request your firm commitment to support final passage of such a bill, and to oppose any attempts by the President to veto such legislation.

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NATIONAL LOW INCOME HOUSING COALITION SIGN-ON LETTER

Organization, city, and State:

Anchorage Neighborhood Housing Services, Anchorage, AK.
Alabama Coalition Against Hunger, Auburn, AL.
Cmmty for Peace & Just St. Peter's Cath. Chch., Birmingham, AL.
Dept. of Church & Society Episcopal Diocese, Helena, AL.
Greater Wash. Pk. Imprvmnt. Org. Montgomery, AL.
Grtr. Birmingham Ministries, Birmingham, AL.
Hsng. Authority of the Birmingham Dist., Birmingham, AL.
Men's Sat. Share Grp./St. Peter's Cath. Church, Birmingham, AL.
New Prov. Baptist Church, Montgomery, AL.
Ngbrhd. Hsng. Renovation Co., Inc., Birmingham, AL.
Nichols Temple A.M.E. Church, Ensley, AL.
Rising-West Princeton Ngbrhd., Birmingham, AL.
Seeker-McCoy United Methodist Church, Birmingham, AL.
Sisters of St. Joseph, Pineapple, AL.
Southern Organizing Cmte for Eco/Soc Just., Birmingham, AL.
St. Francis Xavier Cath. Church, Birmingham, AL.
Task Force on Hunger, Birmingham, AL.
Travelers Aid of Montgomery, Montgomery, AL.
United Presbyterian Church (Five Mile), Birmingham, AL.
AR Chap. of the Amer. Plng. Assn., Little Rock, AR.
Economic Oppty. Agcy. of Wash. Cnty, Inc., Fayetteville, AR.
England Hsng. Auth., England, AR.
Hsng. Auth. of Sevier Cnty., DeQueen, AR.
Urban of AR, Inc., Little Rock, AR.
AZ Chap. of the Amer. Plng. Assn., Tucson, AZ.
AZ Cncil. for Snr. Cit., Phoenix, AZ.
Chicanos Por La causa, Inc., Phoenix, AZ.
Cmmty. Hsng. Prtnershp. Inc., Phoenix, AZ.
Community council, Phoenix, AZ.
East Valley Cath. Soc. Serv, Mesa, AZ.
East Valley Coal. for the Homeless, Apache Junction, AZ.
Family Alliance for the Mentally Ill, Phoenix, AZ.
Human Dvlpmnt. Cncil/Roman Cath Diocese, Phoenix, AZ.
Human Resources Ctr. #1, Phoenix, AZ.
Lutheran Soc Ministry of the SW., Phoenix, AZ.
Metro Independent Livng. Ctr., Tucson, AZ.
N. Phnx. Serv. Offc. Advsry. Bd., Phoenix, AZ.
Peace & Justice Cmmttee., Tempe, AZ.
Phnx. SER, Jobs for Progress, Phoenix, AZ.
Phoenix Consortium for the Homeless, Phoenix, AZ.
S. Mntain. Chamber of Comm., Phoenix, AZ.
Soc. Concerns Cmmttee. of the AZ Ecum. Cncil., Phoenix, AZ.
Sljourner Center, Phoenix, AZ.
Travelers Aid Society of Tucson, Tucson AZ.
Valley of the Sun United Way, Phoenix, AZ.
YUMA Cnty. Hsng. Devlpmnt. Corp., Yuma, AZ.
Survivors on Our Own, Phoenix, AZ.
Affordable Housing Alliance, San Francisco CA.
AID, Inc., San Jose' CA.
Area hsng Auth of Ventura Cnty, Camarillo, CA.
Arthouse, San Francisco, CA.
Asian Inc., San Francisco, CA.
Asian Law Caucus, Inc., Oakland, CA.
Asian Neighborhood Design, San Francisco, CA.
Asian Ngdrhd. Design, San Francisco, CA.
Bay Area Council, San Francisco, CA.
Bay Area Neighborhood Development Corp., El Cerrito, CA.
Bay Area Urban League, Inc., Oakland, CA.
Bd. of Sprvsrs., Cnty of Marin, San Rafael, CA.
Beach Flats Housing Improvement Assn, Santa Cruz, CA.
Belvedere-Triburon hsng Assn, Belvedere, CA.
Berkeley Oakland Support Services, Berkeley, CA.
Bernal Heights Community Foundation, San Francisco, CA.
Bldg. Industry Assn., CA.
Bonita House, Inc., Berkeley, CA.
Braun Programs, Inc., San Rafeal, CA.
C. J. Enterprises, Inc., Fresno, CA.
CA. Chap of the Amer. Plng Assn., Woodland, CA.
Cabrillo Eco. Dvlpmnt. Corp., Saticoy, CA.
California Coalition for Rural Housing Project, Sacramento, CA.
California Hsng Action & Info. Network, Oakland, CA.
Canal Child Care Ctr., San Frafael, CA.
Caritas Mgmnt. Corp., San Francisco, CA.
Carsbad Section 8 Housing, Carlsbad, CA.
Cath. Char. Diocese of Stockton, Stockton, CA.
Cath. Char. of Archdiocese of San Francisco, San Francisco, CA.
Cath. Char., Diocese of San Bernardino, Colton, CA.
Cath. Charties, Diocese of Oakland, Oakland. CA.
Catholic Charities, San Pedro Pastroral Region, Long Beach. CA.
Catholic Community Services, San Diego, CA.
Catholic Social Services, San Francisco, CA.
Catholic Social Services, Diocese of Monterey, Seaside, CA.
Center for New Americans, Corcord, CA.
Chicano Fed. of San Diego Cnty., San Diego, CA.
Chinatown Coalition of Better Housing, San Francisco, CA.
Chinese Community Housing Corporation, San Francisco, CA.
Christian Believers, Richmond, CA.
City of Fremont, Fremont, CA.
City of Hawaiian Gardens, Hawaiian Gardens, CA.
City of Novato, Novato, CA.
City of Oceanside, CA.
City of San Rafael, San Rafael, CA.
City of Sausalito, Sausalito, CA.
City/Cnty. Reinvestment Task Force, CA.
Clare Foundatin, Inc., Santa Monica, CA.
Cmmttee. for Farmworker Programs, Santa Rose, CA.
Cmmty. Economics, Inc., Oakland, CA.
Cmmty. Hsng. Developers, San Jose', CA.
Cmmty. Hsng. Imprvmnt. Sys. & Plnng. Inc., Alinas, CA.
Cmmty. Hsng. Imprvmnt. Prog., Chico, CA.
Cmmty. Servcs. Dept., Concord, CA.
Cmty. Dvlpmnt. Commission, Ukiah, CA.
Cmty. Human Relations Commission, CA.
Coachella Valley Housing Coalition, Coachella, CA.
Colorado Park Housing Corporation, Palo Alto, CA.
Community Corp. of Santa Monica, Santa Monica, CA.
Community Economics, Inc., Oakland, CA.
Community Living Centers, Daly City, CA.
Community Resources for the Disabled, Santa Cruz, CA.
Comprehensive Alcohol Program, Fresno, CA.
Compton Aid Ctr., Compton, CA.

Contra Costa Cnty, Ngbrhd Servcs Grp, Inc., Concord, CA.
Ctr. for Indpndnt. liv. Inc., Berkeley, CA.
Culver City Public Hsng Agcy., Culver City, CA.
David Paul Rosen & Associates, Oakland, CA.
Democratic Mgmnt. Servcs., Santa Cruz, CA.
Dept. of Aging, Los Angeles, CA.
Delores Housing, Inc., San Francisco, CA.
Drew Economic Dvlpmnt. Corp., Los Angles, CA.
E.M. Schaffran & Co., El Cerrito, CA.
East Bay Asian Local Development Corporation, Oakland, CA.
Ecumenical Assn. for Housing, San Rafael, CA.
El Rio Residents Association, Santa Cruz, CA.
Emergency Hsng. Consortium, Inc., San Jose', CA.
Emergency Servcs. Network of Alameda Cnty, Oakland, CA.
Fair Housing Council of Orange County, Santa Ana, CA.
Fair Housing Program of Marion County, San Rafael, CA.
Fair Hsng. Prog./Task Force, Riverside, CA.
Family Serv. Agncy. of San Francisco, San Francisco, CA.
Felicia Mahood Senior Club, Los Angeles, CA.
Feminist Planners & Designers Group, Los Angeles, CA.
First San Jose' Hsng., San Jose', CA.
First United Methodist Church of Oroville, Oroville, CA.
Flwship. of Challenged Individuals, Truckee, CA.
Fralick Dvlpmnt., Saratoga, CA.
Francis of Assissi Cmmty., San Francisco, CA.
Freedom Homes, Inc., Fresno, CA.
Fresno Cnty c/o Floyd Hyde & Associates, Fresno, CA.
Fresno-Madera Area Agncy. on Aging, Fresno, CA.
Galilee Harbor Community Association, Sausalito, CA.
Galt Community Concilio, Inc., Galt, CA.
Golden Gateway Tenants Association, San Francisco, CA.
Gray Panthers of Sacramento, Sacramento, CA.
Gray Panthers of Sonoma County, Santa Rosa, CA.
Gray Panthers-South Bay Network, Redondo Beach, CA.
Haight Ashbury Community Development Corp., San Francisco, CA.
Harbor Interfaith Shelter, Inc., San Pedro, CA.
Heartland Human Relations Assn, CA.
Home Economics, Ukiah, CA.
Home Loan Counseling Serv., CA.
Homeless Action Project, Midway City, CA.
Homeless Ed. & Support Fund, Los Angeles, CA.
Homeless Organizing Team, Los Angeles, CA.
Homeless/Mental Health Advocacy Program, Chico, CA.
Housing Authority of the City of San Pablo, San Pablo, CA.
Housing Authority of the County of Marin, San Rafael, CA.
Housing Authority of the County of Merced, Merced, CA.
Housing Coalition of Orange County, Santa Ana, CA.
Housing Conservation Development Corp., San Francisco, CA.
Housing for Independent People, Inc., San Jose, CA.
Housing Rights for Children, Oakland, CA.
Hsng Auth. of Kings Cnty., Hanford, CA.
Hsng, Coal. of San Diego, San Diego, CA.
Hsng. Alliance of Contra Costa Cnty, Inc., Walnut Creek, CA.
Hsng. Auth. of Riverside Cnty., Riverside, CA.
Hsng. Auth. of the City & Cnty. of Fresno, Fresno, CA.
Hsng. Auth. of the City of Eureka, Eureka, CA.
Hsng. Auth. of the City of Santa Barbara, Santa Barbara, CA.
Hsng. Auth. of the Cnty. of Santa Barbara, Lompoc, CA.
Hsng. Dvlpmnt. & Ngbrhd. Redev. Corp., San Francisco, CA.
Independent Housing Services, San Francisco, CA.
Indepndnt, Living Resource Ctr., Santa Barbara, CA.
Innovative Hsng., Larkspur, CA.
Japanese Amer. Cult. & Cmmty. Ctr., Los Angeles, CA.
Jubilee West, Oakland, CA.
LA Chap. Wmn's Int'l League Peace & Frdm., Los Angeles, CA.
La Clinica de la Raza, Fruitvale Hlth Proj., Oakland, CA.
Laurin Associatess, Citris Heights, CA.
League of Women Voters, San Diego Chapter, CA.
Los Angeles Cncil. of Unemployed & Homeless, Los Angeles, CA.
Los Angeles Homeless Health Care Project, Los Angeles, CA.
Los Angeles Jobs with Peace, Los Angeles, CA.
Low Income Hsng. Fund, San Francisco, CA.
MALDEF, Sacramento, CA.
Marin Ctr. for Indepdnt. Living, San Rafael, CA.
Marin Network of Mental Health Clients, San Anselmo, CA.
Mental Health Adsry. Bd. of Santa Cruz Cnty., Santa Cruz, CA.
Merced Cnty Mental Health/Homeless Project, Merced, CA.
Mid-Peninsula Housing Development Corporation, Palo Alto, CA.
MidPeninsula Cit. for Fair Hsng., Palo Alto, CA.
Mission Bay Consortium, San Francisco, CA.
Mission Safe, Inc., Oakland, CA.
Musicians for Survivors, Berkeley, CA.
Nat'l Chicano Cncil. Hghr. Ed., Claremont, CA.
Nevada Cnty Hsng. Dvlpmnt. Corp., Grass Valley, CA.
Ngbrhd. House Assn., CA.
North of Market Planning Coalition, San Francisco, CA.
Northern CA/Nevada Ex. Dr.'s Assn, Eureka, CA.
Novato Ecumenical Housing, Novato, CA.
Novato Enrichment Care, Novato, CA.
Oak Center Homes, Inc., Oakland, CA.
Oakland Chinese Cmmty. Cncil., Inc., Oakland, CA.
Oakland Housing Organizations, Oakland, CA.
Obeca/Arriba Juntos, San Francisco, CA.
Offc. of the Mayor, San Diego, CA.
One Voice, Los Angeles, CA.
Ormsby & Associates, Woodland, CA.
Palo Alto Hsng. Corp., Palo Alto, CA.
Parent-Infant Neighborhood Center, San Franciso, CA.
Peace & Justice Cmmsn.-Cath. Diocese, San Diego, CA.
Peace & Justice Grp., Santa Rosa, CA.
Peninsula Volunteers Properties, Inc., Menlo Park, CA.
People for Affordable Hsng., San Jose, CA.
Peoples' Self Help Hsng. Corp., San Luis Obispo, CA.
Pica Ngbrhd. Assn., Santa Monica, CA.
Pomona Valley Council of Churches, Pomona, CA.
Potrero Hill Community Development Corp, San Francisco, CA.
Resources for Cmmty. Dvlpmnt., Berkeley, CA.
Ronald Levine Construction & Investment Corp., Beverly Hills, CA.
Rosalie House, San Francisco, CA.
Rural Calibrian Hsng. Corp., Sacramento, CA.
Rural Cmmties. Hsng. Dvlpmnt. Corp., Ukiah, CA.
Rural Communities Development, Fresno, CA.
Sacramento Hsng. & Redvlpmnt., Agncy., Sacramento, CA.
Sacramento Ngbrhd. Hsng. Servcs., Sacramento, CA.
Sacramento Urban League, Sacramento, CA.
San Bernardino West Side CDC, San Bernardino, CA.
San Diego Apt. Assn., San Diego, CA.
San Diego Board of Realtors, San Diego, CA.
San Diego City Financial Mgmnt. Offc., San Diego, CA.
San Diego Cnty. Equal Oppty. Mgmnt. Offc., San Diego, CA.
San Diego Regional Fair Hsng. Task Force, San Diego, CA.
San Diego Unified Design Center, San Diego, CA.
San Francisco Community Design Center, San Francisco, CA.
San Francisco Dvlpmnt. Fund, San Francisco, CA.
San Francisco Found. for Architectural Hrtge., San Francisco, CA.
San Francisco Hsng. & Tenants Cncil., San Francisco, CA.
San Jose Dvlpmnt. Corp., San Jose, CA.
San Leandro c/o Floyd Hyde & Associates, San Leandro, CA.
San Mateo County Housing Coalition, San Mateo, CA.
San Ysidro School District, CA.
Santa Barbara Cmmty. Hsng. Corp., Santa Barbara, CA.
Santa Cruz Cmty. Cnsling Ctr., Inc./ Step'ng Out, Santa Cruz, CA.
Santa Cruz Community Housing Corporation, Santa Cruz, CA.
Santa Isabel Snr. Cit. Club, Los Angeles, CA.
Santa Monica/Westside Hotline, Santa Monica, CA.
Saratoga-Los Gatos Br.-AAUW, Los Gatos, CA.
Satellite Snr. Homes, Inc., Oakland, CA.
Savage & Taylor Associates, Inc., Los Angeles, CA.
Self Help Enterprises, Visalia, CA.
Senior Advocates Advisory Committee, Redwood City, CA.
Senior Servcs. Coordinating Cncil., Norwalk, CA.
Share-A-Home Pasadena, Pasadena, CA.
Shelter, Inc., Concord, CA.
Silvercrest Residence, San Francisco, CA.
Sisters of Charity-BVM, Tujunga, CA.
Soc. Just. Cmsn. of the Srs. of Mercy, Burlingame, CA.
Sonoma Cnty. Task Force on the Homeless, Santa Rosa, CA.

South Side Cmmty. Ctr, Richmond, CA.
Srs. of Mercy of Burlingame, Burlingame, CA.
St. Charles Catholic Church, San Diego, CA.
St. Francis Square Cooperative Apts. San Francisco, CA.
St. Joseph Center, Venice, CA.
St. Vincent de Paul Housing, San Francisco, CA.
State Dept. of Fair Employment. & Hsng. CA.
Stockton Family Shelter, Stockton, CA.
Student Hsng. Offc. Univ. of CA, San Diego, CA.
Tenants & Owners Development Corp., San Francisco, CA.
Tenderloin Housing Clinic, San Francisco, CA.
Tenderloin Neighborhood Development Corp., San Francisco, CA.
The Alternatives Center, Berkeley, CA.
The Envirmntl. Cncil. of Santa Cruz Cnty., Santa Cruz, CA.
The Playgroup, Inc., Inverness, CA.
The Salvation Army, San Francisco, CA.
The Salvation Army (Silvercrest Residence), Santa Rosa, CA.
The Salvation Army Residence, Inc., Eureka, CA.
The Shelter Project, Santa Cruz, CA.
Therapon Assn. for the Devlpmtly. Disabled, San Rafael, CA.
Tiburon Ecumenical Assn., Tiburon, CA.
Town Cncil. of San Anselmo, San Anselmo, CA.
Town Cncil/Town of Tiburon, Tiburon, CA.
Town Council of the Town of San Anselmo, San Anselmo, CA.
Town of Fairfax, Fairfax, CA.
Transitional Hsng. Network, Los Angeles, CA.
Travelers Aid Society of Alameda Co., Inc., Oakland, CA.
Union of Pan Asian Communities, CA.
United Cmmty. & Hsng. Dvlpmnt. Corp., Los Angeles, CA.
United States Escrow, Downey, CA.
United Way/Office on Homelessness, Concord, CA.
Univ. City Village Tenants Assn., San Diego, CA.
Urban League of Greater Hartford, Inc., Hartford, CA.
Urban League, San Diego Chapter, CA.
Victoria Gardens Tenants, Fremont, CA.
W. Contra Costa Conserv. Lgue. & Gray Pnthers., El Cirrito, CA.
Weingart Ctr, Assn., Los Angeles, CA.
Wmn's Int'l League for Peace & Frdm., San Jose, CA.
Women's Crisis Support & Shelter Srvcs, Santa Cruz, CA.
Allied Hsng. Inc., Denver, CO.
Archdiocese Hsng. Committee, Inc., Denver, CO.
Baptist Home Assn. of the Rocky Mntn., Wheat Ridge, CO.
Barker, Kinker Seacat & Partners, Denver, CO.
Brook Knolls Coop Cmmty, Inc., Loveland, CO.
Cath. Cmmty. Servcs., Colorado Springs, CO.
Catherine McAuley Housing Foundation, Denver, CO.
Christian Caring Ministries, Inc., Fort Collins, CO.
Citizens Steering Cmte of Fort Collins, Fort Collins, CO.
Cmmty, Dvlpmnt. Agency, Denver, CO.
CO Affrdble. Hsng. Prtnershp., Denver, CO.
CO Chap. of the Amer. Plng. Assn., Aurorra, CO.
Colorado Catholic Conference, Denver, CO.
Colorado Hsng. & Finance Auth., Denver, CO.
Del Norte Ngbrhd. Dvlpmnt. Corp. Denver, CO.
Del Norte RHF Snr. Hsng. Inc., Denver, CO.
Denver Cmmty. Dvlpmnt. Corp., Denver, CO.
Div. of Hsng. State of CO, Denver, CO.
Homestead Adult Day Program, Longmont, CO.
Hope Communities, Inc., Denver, CO.
Howard Bishop & Co., Denver, CO.
Hsng. Auth of Limon, Limon, CO.
Jeffco Amer. Baptist Residences, Inc., Lakewood, CO.
Larimer Cnty Mutual Affrdable Hsng., Loveland, CO.
Mercy Housing, Inc., Denver, CO.
Mercy Management Services, Denver, CO.
Newsed Cmmty. Dev. Corp., Denver, CO.
Rocky Mntn. Residence, Inc., Denver, CO.
Sable Care Ctr., Inc., Aurora, CO.
St. Joseph's House, Denver, CO.
Stone Crest "Cmmty Cornerstone Proj", Fort Collins, CO.
SW Cmmty Resources, Durango, CO.
The Resource Assistance Center, Fort Collins, CO.
West Alameda Baptist Church, Lakewood, CO.
Action Housing Inc., Norwalk, CT.
Archdiocese of Hartford/Ofc of Urban Affairs, Hartford, CT.
Branford Snr. Cit., Branford, CT.
Bristol Emergency Shelter Coalition, Bristol, CT.
Broad River Homes, Norwalk, CT.
Catholic Family Services, Norwalk, CT.
Caucus of Connecticut Democrats, Woodbridge, CT.
Central Housing Committee, Hartford, CT.
Citizens Advisory Committee, Waterbury, CT.
Coleman Towers Tenants Assn., Stamford, CT.
Columbus House, Inc., New Haven, CT.
Committee on Training & Employment, Inc. (CTE), Stamford, CT.
Community Action for Greater Middletown, Inc., Middletown, CT.
Community Housing Coalition of Stanford, Stanford, CT.
Community Housing Resource Board, Stamford, CT.
Community Hsg Resource Board of Norwalk, Norwalk, CT.
Connecticut Assn. of Residential Facilities, Wethersfield, CT.
Connecticut Citizen Action Group, Hartford, CT.
Connecticut Coalition for the Homeless, Wethersfield, CT.
Connecticut Coalition on Aging, Hartford, CT.
Credo Housing Development Corporation, Waterbury, CT.
CT Chap of the Amer. Plng. Assn., Meriden, CT.
CT Hsng Coal-Human Rgts. & Oppty. Cmsn., New Haven, CT.
CI Interfaith Hsng & Human Servcs Corp., Hartford, CT.
CT State Dept of Mental Retardation, Norwalk, CT.
Danbury NAACP, Danbury, CT.
Department of Human Services, Westport, CT.
Development Administration, City of New Haven, New Haven, CT.
El Hogar Del Futuro, Hartford, CT.
Family & Childrn's Servcs, Inc.-Bd of Drs', Stanford, CT.
Folly Brook Manor Tenants Association, Wethersfield, CT.
Greater Middletown Community Corporation, Middletown, CT.
Greater Norwalk Community Center, Norwalk, CT.
Green Community Services, Waterbury CT.
Greenwich Hsng Coal & 1st United Meth. Church, Stamford, CT.
Hartford Arcdcsen. Cmmsn for Justice & Peace, West Hartford, CT.
Hartford Cmmty Dvlpmnt. Auth., Hartford, CT.
Hartford Interval House, Inc., Hartford CT.
Hill Top Homes, Rowayton, CT.
HocKanom Valley Community Council, Inc., Vernon, CT.
Housing Authority of the City of Norwalk, South Norwalk, CT.
INFO LINE, North Central, Hartford, CT.
Keystone House, Inc., Norwalk, CT.
La Casa De Puerto Rico, Hartford, CT.
League of Women Votes of CT, Hamden, CT.
Martin House, Inc., Norwich, CT.
My Sister's Place, Hartford, CT.
Neighborhood Housing Services of Norwalk, Inc., South Norwalk, CT.
Neighborhood Housing Services of Waterbury, Waterbury CT.
New Haven Cmsn on Equal Oppty/Fair Hsng Prog., New Haven, CT.
Norwalk Department of Health, Norwalk, CT.
Norwalk Economic Opportunity NOW, Inc., Norwalk, CT.
Norwalk Fair Housing Office, Norwalk, CT.
Norwalk Hospital Social Work Department, Norwalk, CT.
Norwalk Housing Coalition, Norwalk, CT.
Norwalk Redevelopment Agency, So. Norwalk, CT.
Now Neighborhoods, Inc., Stamford, CT.
Office of Social Concerns Roman Cath Dcse., Bridgeport, CT.
Office of Urban Affairs Archdcse/Hartford, New Haven, CT.
Operation Hope of Fairfield, Inc., Fairfield, CT.
Project Match, Waterbury, CT.
Prospect Towers Tenants Association, Waterbury, CT.
Roodner Court Tenants Assoc. Inc., So. Norwalk, CT.
Save the Children Federation, Westport, CT.
Senior Services Coordinating Council, Norwalk, CT.
Sheldon Oak Central Hsng Developers, Hartford, CT.
Social Services Department, Milford, CT.
South End Community Center, Stamford, CT.
Southside Institutions Neighborhood Alliance, Hartford, CT.
Southside Institutions Ngbrhd Alliance, Hartford, CT.
Southwest Regional Mental Health Board, S. Norwalk, CT.
Southwestern Connecticut Agency on Aging, Bridgeport, CT.
St. Luke's Community Services, Stamford, CT.
St. Paul's on the Green Episcopal Church, Norwalk, CT.
St. Vincent De Paul Place, Middletown, CT.

St. Vincent De Paul Society of Waterbury, Inc., Waterbury, CT.
Stamford Alliance for Mentally Ill, Stamford, CT.
STAR Residential Services, Inc., Norwalk, CT.
State of CT/Dept. of Mental Retardation, Norwalk, CT.
Suffield CT Advisory Committee on Aging, Suffield, CT.
Taino Hsng & Dvlpmnt. Corp., Hartford, CT.
The Bristol Emergency Shltr. & Hsg Coal, Bristol, CT.
The Coalition for Children and Youth, Inc., Norwalk, CT.
The Cornerstone Foundation, Inc., Vernon, CT.
The New Project for Battered Women, New Haven, CT.
The Stamford Partnership (SEAC), Stamford, CT.
The Urban Ministry Project, Bridgeport, CT.
Tri-Twn. Humn. Srve Coal-Ellington, Soc. Srvcs., Ellington, CT.
Trinita Retreat Ctr., New Hartford, CT.
United Church of Christ Hispanic Cncil, New Britain, CT.
Urban League of Greater New Haven, Inc., New Haven, CT.
Vernon Wic Program, Rockville, CT.
Voluntary Action Center of Mid-Fairfield, Norwalk, CT.
W. Hartford Hsng Auth., West Hartford, CT.
Wesleyan Univ. Cmmty. Servcs. Prog., Middletown, CT.
West Hartford Hsng Auth., West Hartford, CT.
West Haven Emergency Assistance Task Force, West Haven, CT.
Wm Ward Tenants Association, Stamford, CT.
Women's Center of Greater Danbury, Danbury, CT.
Women's Crisis Center, Inc., Norwalk, CT.
Alameda, CA/clo Floyd Hyde Assctes., Washington, DC.
Anacostia Eco. Dvlpmnt. Corp., Washington, DC.
Association of Local Housing Finance Agencies, Washington, DC.
Comprehensive Shelters Corp., Washington, DC.
Floyd Hyde Associates, Washington, DC.
Glover Park Neighbors, Washington, DC.
Jubilee Housing, Inc., Washington, DC.
Lutheran Soc Servcs-Cmmty Justice Ministries, Washington, DC.
The Institute of Cultural Affairs, Washington, DC.
The Patrician Mortgage Company, Washington, DC.
Transitional Lvng. Cmmties., Washington, DC.
Washington Area Training Ctr., Washington, DC.
Nat'l Congress for Cmmty. Econ. Dvlpmnt., Washington, DC.
DE Chap Amer. Plng. Assn., Newark, DE.
DE Chap of the Nat'l Assn of Hsng. & Redvpmnt., Dover, DE.
DE Hsng. Coalition, Dover, DE.
DE Rainbow Coalition, Dover, DE.
Eastside Citizens, Inc., Wilmington, DE.
Grass Roots Wilmington (Newsletter), Wilmington, DE.
Hsng Helpers, Inc., Wilmington, DE.
Hsng. Oppty. of N DE, Inc., Wilmington, DE.
Latin Amer. Cmmty. Ctr., Wilmington, DE.
Milford Hsng. Dev. Corp., Milford, DE.
Nat'l Cncil on Agricltrl., Life & Labor, Dover, DE.
New Castle Cnty Cmmty Dvlpmnt & Hsng., Wilmington, DE.
People United to Serve Humanity, Dover, DE.
Self Dvlpmnt of Peoples Cmmttee., Wilmington, DE.
Wilmington Hsng Auth., Wilmington, DE.
Callahan Neighborhood Association, Orlando, FL.
Catholic Community Services, Miami Shores, FL.
Catholic Social Services, Lakeland, FL.
Citizens Advsry. Cncil. Orlando, Orlando, FL.
City of Fort Pierce, Fort Pierce, FL.
City of Hialeah, Hialeah, FL.
City of Key West, FL/Cmmty Dev Dept., Key West, FL.
City of Palm Bay, Palm Bay, FL.
Cmmty Dvlpmnt Section-OMB, Tallahasse, FL.
Cnty of Volusia-Cmmty Dvlpmnt Div., Daytona Beach, FL.
Coconut Grove Local Dvlpmnt. Corp., Miami, FL
Collier Co. Econ. Dvlpmnt./Hsg Prog. Dept., Naples, FL.
Community Dev/City of Fort Walton Beach, Fort Walton Beach, FL.
Community Equity Investments, Inc., Pensacola, FL.
Daily Bread Food Bank, Miami, FL.
Davis Homes, Orlando, FL.
Dept. of Cmmty Affairs, Tallahassee, FL.
Dist. VII Coalition on the Hungry and the Home, Orlando, FL.
East Little Havana Cmmty. Dvlpmnt Corp., Miami, FL.
Eco. Dvlpmnt./Hsng Programs Dept., Naples, FL.
Fl Chap of the Amer. Plng. Assn., Orlando, FL.
Florida Assn of Housing & Redevelopment Off., Jacksonville, FL.
Florida IMPACT, Tallahassee, FL.
Florida Low Income Housing Coalition, Tallahassee, FL.
Florida Non-Profit Housing, Sebring, FL.
Gtr. Tampa Urban League, Tampa, FL.
Haitan Task Force, Inc., Miami, FL.
Hernando County Housing Authority, Brooksville, FL.
Hillcreast Hampton House, Inc., Orlando, FL.
Holy Cross Service Center, Indiantown, FL.
Homebldrs. & Contrctrs. Assn., W. Palm Beach, FL.
Horizons Unlimited, Orlando, FL.
Housing Conservation and Development Agency, Miami, FL.
Immokalee Non-Profit Housing, Inc., Immokalee, FL.
Indian River County Housing Authority, Vero Beach, FL.
Jacksonville Department of HUD, Jacksonville, FL.
Lee County Division of Housing and Grants, Ft. Myers, FL.
Lutheran Social Services of Northeast Florida, Jacksonville, FL.
Mental Health Clinic of Jacksonville, Inc., Jacksonville, FL.
Metro-Orlando Hsng Affrdble. Wmn's Coal., Orlando, FL.
Milton Hsng. Auth., Milton, FL.
NAACP, Oldsmar, FL.
NAACP, Tampa, FL.
NAACP, St. Peterburg & Cncl on Hmn. Relations, St. Petersburg, FL.
NE Miami Chamber of Commerce, Miami, FL.
Opa-Locka Community Development Corp., Opa-Locka, FL.
Orlando City Council, Orlando, FL.
Orlando Coalition for the Homeless, Orlando, FL.
Palm Beach Cnty Hsng & Cmmty Dev., West Palm Beach, FL.
Panama City Hsng. Auth., Panama City, FL.
Pax Christi Tallahassee, Tallahassee, FL.
Polk Cnty Bd. of Commsnrs, Bartow, FL.
Project Home-Snr. Soc. Plng. Cncil., Tallahassee, FL.
Rescue Church of God Outreach Missionary, Sanford, FL.
St. Francis Shelter, Lakeland, FL.
St. John Cmmty. Dvlpmnt. Corp., Miami, FL.
Strategic Planning Group, Inc., Jacksonville, FL.
Tallahassee Housing Foundation, Tallahassee, FL.
The Briscoe Co., West Palm Beach, FL.
The City of Orlando-Grwth. Mgmnt. Div., Orlando, FL.
The Hsng. Auth. of Springfield, Springfield, FL.
Travelers Aid Society of Tampa, Inc., Tampa, FL.
Urban League, of Greater Miami, Inc., Miami, FL.
West Perrine Cmmty Dvlpmnt Corp., Miami, FL.
Athens Hsng. Auth., Athens, GA.
Athens Hsng. Auth., Athens, GA.
Atlanta Urban Ministry, Atlanta, GA.
Bibb Cnty Snr. Cit. Inc., Macon, GA.
Bron Cleveland Associates, Inc., Atlanta, GA.
Claxton Client Council, Claxton, GA.
Cmmty. Servcs. Food Bank, Dublin, GA.
Day Care, Wrightsville, GA.
Decatur-DeKalb Hsng. Auth., Decatur, GA.
E.O.A. Area Block 17th, Atlanta, GA.
Eastwyck Village Townhouses Corp., Decatur, GA.
GA Client Council, Ludowici, GA.
GA Hsng Coalition, Atlanta, GA.
GA Statewide Coal on Hunger & Homelessness, Atlanta, GA.
Hand Across America of GA, Atlanta, GA.
Heritage Registration, Atlanta, GA.
Hsng Auth of Blakely, GA, Blakely, GA.
Hsng Auth of Edison, Edison, GA.
Hsng Auth of Hampton, Hampton, GA.
Hsng Auth of Lumber City, Hazleburst, GA.
Hsng Auth of Ocilla, Ocilla, GA.
Hsng Auth of Tifton, Tifton, GA.
Hsng Auth. of Folkston, Folkston, GA.
Hsng Auth of Dallas, GA, Dallas, GA.
Hsng. Auth of Jasper, Jasper, GA.
Hsng. Auth. of Augusta, GA, Augusta, GA.
Hsng. Auth. of Education, Eatonton, GA.
Hsng. Auth. of McRae, McRae, GA.
Hsng. Auth. of Milledgeville, Milledgeville, GA.
Interfaith, Inc., Atlanta, GA.
Lauren Cty Client Council, Dublin, GA.
Long Cnty Client Cncil., Ludowici, GA.
Nutrition Childcare Homes, Dublin, GA.
Offc of Soc. Ministry, Savannah, GA.
Pelham Hsng Auth., Pelham, GA.
Pembroke Client Council, Pembroke, GA.
Reaching Out Social Action Cmtee., Atlanta, GA.
Regal Civic & Federation Club, Inc., Cedartown, GA.
S.C.L.C., Wrightsville, GA.
SALT, Atlanta, GA.
SRO Hsng. Inc., Atlanta, GA.
St. John's Ctr/Ofc. of Social Ministry, Savannah, GA.

The 3rd Dist Educational Advsry Cmmtee., Valdosta, GA.
Treutlen Co Job Club Counseling Ctr., Soperton, GA.
Wrightsville Hsng. Auth., Wrightsville, GA.
Affrdble. Hsng. Alliance, Honolulu, HI.
Hawaii Ecumenical Hsng Corp., Honolulu, HI.
HI Ecumenical Hsng. Corp., Honolulu, HI.
Hsng Asstnce. Program, Cath. Servcs to Elderly, Honolulu, HI.
Area XV Multi-County Housing Agency, Agency, IA.
Catholic Charities, Dubuque, IA.
City of Iowa City, Iowa City, IA.
IA Chap of the Amer Plng. Assn., Iowa City, IA.
N Iowa Regional Hsng. Auth., Mason City, IA.
Neighborhood Housing, Inc., Cedar Rapids, IA.
Southern Iowa Regional Housing Authority, Creston, IA.
Boise City Hsng Center, Boise, ID.
Boise Ngbrhd. Hsng Servcs., Inc., Boise, ID.
Boise City and ADA Cnty Hsng. Auth., Boise, ID.
Gtr. Boise Dvlpmnt Corp., Boise, ID.
Idaho Hunger Action Council, Boise, ID.
Idaho Migrant Cncil, IMC, Caldwell, ID.
Idaho Neighbors Network, Pocatello, ID.
Nez Perce Tribal Hsng. Authority, Lapwai, ID.
Amer. Indian Eco. Dev. Assn., Chicago, IL.
Bethel New Life, Inc., Chicago, IL.
Campaign for Human Dvlpmnt., Chicago, IL.
Center for Neighborhood Technology, Chicago, IL.
Chicago Refugee Wmn's Network, Chicago, IL.
Chicago Rehab Network, Chicago, IL.
Chicago Uptown Ministry, Chicago, IL.
Circle Christian Dvplmnt Corp., Chicago, IL.
Cmmty. Actn. Agncy. Project NOW, Rock Island, IL.
Cncil for Jewish Elderly, Evanston, IL.
Eighteenth Street Dev. Corp., Chicago, IL.
Greater North Pulaski Dev. Corp., Chicago, IL.
HESED House, Inc., Aurora, IL.
Hispanic Hsng. Dev. Corp., Chicago, IL.
HOPE Fair Housing Center, Lombard, IL.
Housing Resource Center, Chicago, IL.
Howard Area Community Center, Chicago, IL.
Hsng Rerch. & Dvlpmnt. Program/U of IL, Urbana, IL.
Hsng. Auth of East Peoria, East Peoria, IL.
Hsng. Auth. of the Cnty of Union, Anna, IL.
IL Chap of the Amer. Plng. Assn., Crystral Lake, IL.
Interfaith Hsng Ctr., Wilmette, IL.
Kenwood-Oakland Cmmty. Org., Chicago, IL.
Kenwood-Oakland Devlpmnt Corp., Chicago, IL.
Lake Cnty IL Regional Plng. Commission, Waukegan, IL.
Lake Cnty Urban League, Waukegan, IL.
Lawyers Commitee for Better Hsng., Chicago, IL.
Ldrshp. Cncl. for Metro. Open Communities, Chicago, IL.
League of Women Voter of Chicago, Chicago, IL.
League of Women Voters of Wheaton, Wheaton, IL.
Little Square Block Club, Chicago, IL.
Marina Park, Inc., Wheaton, IL.
Metro Chicago Clergy & Laity Concerned, Chicago, IL.
Metro. Chicago Coal. on Aging, Chicago, IL.
Metro. Tenants Organ., Chicago, IL.
NAACP-Evanston, Skokie, IL.
Our lady of Lourdes Parish, Chicago, IL.
PADS, Inc., Aurora, IL.
People's Reinvestmnt. & Dev. Effort, Chicago, IL.
Peoples Housing, Chicago, IL.
Province Adm. Team/Srs. of Mercy of Province, Chicago, IL.
Rescorp Dvlpmnt., Inc., Chicago, IL.
Statewide Hsng. Action Coal., Chicago, IL.
Travelers and Immigrants Aid of Chicago, Chicago, IL.
Urban League of Champaign Cnty., Champaign, IL.
Voice of the People in Uptown, Inc., Chicago, IL.
Wisdom Bridge Theatre, Chicago, IL.
Woodstock Institute, Chicago, IL.
Anderson Hsng Auth., Anderson, IN.
Cath. Family Service, Gary, IN.
Columbia Center Tenant Cncil., Hammond, IN.
Dept. of Just. & Peace, Evansville, IN.
Div. of Cmmty. Dev. & Plng., Ft. Wayne, IN.
Ft. Wayne Hsng. Auth, Ft. Wayne, IN.
Gary Hsng. Auth., Gary, IN.
Gary, IN c/o Floyd Hyde & Associates, Gary, IN.
Hsng. Auth. of the Cty. of Richmond, IN, Richmond, IN.
Hsng. Auth. of Michigan City, IN, Michigan City, IN.
IN Chap. of the Amer., Plng. Assn., Fort Wayne, IN.
Indianapolis Cmmty Hsng. Resrce. Bd., Inc., Indianapolis, IN.
LaSalle Park Dist. Cncil. Inc., South Bend, IN.
Martin Luther King Multi Serv. Ctr., Indianapolis, IN.
Mercy Hsng Corp., Olympia Fields, IN.
Riley Area Revitalization Program, Inc., Indianapolis, IN.
Chapman Hsng. Authority, Chapman, KS.
KS Chapter of the Amer. Plng. Assn., Overland Park, KS.
Mennonite Hsg Rehabilitation Srves., Wichita, KS.
Pickwick Place Apts., Coffeyville, KS.
Christian Church, KY Appalachian Ministry, Richmond, KY.
Commty Dvlpmnt Unit, Legal Aid Society, Louisville, KY.
Cooperative Christian Ministry, Inc., Middlesboro, KY.
Cranks Creek Survival Center, Harlan, KY.
Cumberland Valley Reg. Hsng. Auth., Barbourvill, KY.
Federation Applchn. Hsng Entprse., Inc., Berea, KY.
Frontier Housing, Inc., Morehead, KY.
Hmn/Econ. Applchn. Dvlpmnt. Corp., Berea, KY.
Homes, Inc., Neon, KY.
Human/Eco. Appalachian Dev. Corp., Berea, KY.
Interfaith of Bell County, Pineville, KY.
Kentucky Fair Tax Coalition, Prestonsburg, KY.
Kentucky Mountain Housing Development Corp., Manchester, KY.
Knott County Land Trust, Berea, KY.
KY Assn. of Homes for Children, Anchorage, KY.
KY Chap of the Amer. Plng. Assn., Elizabethtown, KY.
KY Fair Housing Tax Coalition, Prestonburg, KY.
Livingston Econ. Alternatives in Progress, Livingston, KY.
Louisville Urban League, Louisville, KY.
New Directions Housing Corp., Louisville, KY.
Northern Kentucky Community Center, Covington, KY.
People's Self-Help Housing, Vanaburg, KY.
Red Bird Medical Center, Beverly, KY.
Red Bird Mission, Inc., Beverly, KY.
Sisters of Mercy/KY Reg. Just. Cmsn., Louisville, KY.
St. Vincent Mission, David, KY.
Welcome House of Northern Kentucky, Inc., Covington, KY.
Associated Cath. Char. CARE Ctr., New Orleans, LA.
Cath. Dcse. of Shreveport/Ofc of Soc. Ministery, Shreveport, LA.
Commty. Dvlpmnt. Dept. of Lake Charles, Lake Charles, LA.
Cooper Rd Civic Club, Shreveport, LA.
Cooper Road Medical Bd., Shreveport, LA.
Dept. of Urban Development, Shreveport, LA.
Diocese of Shreveport, Shreveport, LA.
Fairfield Property Mgmnt., Shreveport, LA.
Hsng. Auth. of New Orleans, New Orleans, LA.
Hsng. Auth. of the City of Bunkie, Bunkie, LA.
Hsng. Auth. of Shreveport, Shreveport, LA.
Kenner Hsng. Authority, Kenner, LA.
LA Chap. of the Amer. Plng. Assn., Lafayette, LA.
Monroe Housing Authority, Monroe, LA.
Morgan City Hsng. Auth., Morgan City, LA.
Shreveport Landmark, Inc., Shreveport, LA.
Southern Mutual Help Assn., Inc., Jeanerette, LA.
Action Hsng. Auth., Action, MA
APA-New England Chapter, E. Weymouth, MA.
Barnstable Council on Aging, Hyannis, MA.
Boston Cluster Program, Dorchester, MA.
Boston Ngbrhd Hsng Services., Boston, MA.
Brookline Hsng. Auth., Brookline, MA.
Cape Ann Coal for Hsng & the Homeless, Gloucester, MA.
Cape Cod Wmn's Agenda, Brewster, MA.
CHAPA, Boston, MA.
Citizens' Hsng. & Plng. Assn, Inc., Boston, MA.
Codman Sq. Hsng. Dev. Corp., Dorchester, MA.
Cooperative Hsng. Task Force, Boston, MA.
Cooperative Living of Newton, Inc., Newton, MA.
Erickson Investment & Development, Boston, MA.
Falmouth Hsng. Task Force, Falmouth, MA.
Franklin Cnty Reg. Hsng. Auth., Turners Falls, MA.
Franklin Housing Alliance, Turners Falls, MA.
Greater Boston Cmmty. Develpmnt. Inc., Boston, MA.
House of Representatives, Boston, MA.
Independence House, Hyannis, MA.
Jewish Cmmty. Relations Cncil., Boston, MA.
Jewish Community Housing for the Elderly, Brighton, MA.

Judy Cohn Associates, Brookline Village, MA.
Just-A-Start, Cambridge, MA.
League of Wmn. Vtrs. of Fitchburg Area, Fitchburg, MA.
League of Women Vtrs. of Massachusetts, Boston, MA.
Lower Roxbury Commty. Corp., Roxbury, MA.
MA Affrdble. Hsng. Alliance, Boston, MA.
MA Tenants Organization, Boston, MA.
Martha's Vineyard NAACP, Oak Bluffs, MA.
Massachusetts Coal for the Homeless, Boston, MA.
Massachusetts Tenants Organization, Boston, MA.
Massachusetts Sector, Boston, MA.
Metropolitan Area Plng. Cncil., Boston, MA.
New England Elderly Housing Assn., Brighton, MA.
Offc. of Planning & Cmmty. Dvlpmnt., Somerville, MA.
OKM Associates, Inc., Boston, MA.
Pamela Goodman/Keen Dvlpmnt., Cambridge, MA.
Riverside-Cambridgeport Cmmty. Corp, Cambridge, MA.
Robert Pena Properties, West Falmouth, MA.
Robertson Consulting Servces., S. Attleboro, MA.
S. Shore Hsng. Dvlpmnt. Corp, Kinston, MA.
S.O. Middlesex Mass. Branch NAACP, Natick, MA.
Sarah James & Associates, Cambridge, MA.
Seminole Self-Reliant Housing, Inc., Sanford, MA.
Shelburne Hsng. Auth., Turners Falls, MA.
Shelter, Inc., Cambridge, MA.
Sojourner Hse., Inc., Roxbury, MA.
St. George Orthodox Church, West Roxbury, MA.
The Boston Hsng. Partnership, Boston, MA.
The Massachusetts Coalition for the Homeless, Boston, MA.
The Medford Tenants Assn. Steering Cmtee., Medford, MA.
The Robeson Corp., New Bedford, MA.
Tri-City Hsng. Task Force for Homeless Fam., Malden, MA.
UNIHAB, Inc., Cambridge, MA.
Unitarian Universalist Association, Boston, MA.
Urban Edge Housing Corp., Jamaica Plains, MA.
Urban Educational Systems, Inc., Jamaica Plains, MA.
Valley Oppty Cncil., Inc., Chicopee, MA.
Waltham Concerned Citizens, Waltham, MA.
Waltham Tenants United, Waltham, MA.
Wellesley Hsng. Auth., Wellesley, MA.
Wmn's Instit. for Hsng & Eco. Dev, Inc., Boston, MA.
Wmn's Int'l League for Peace & Frdm, Harwich, MA.
Baltimore Jobs in Energy Project (BJEP), Baltimore, MD.
Berlin Cmmty. Hsng. Corp., Berlin, MD.
Bethany Hse, Rockville, MD.
Campaign for Poor & Working People, Baltimore, MD.
Cardinal Shehan Ctr for the Aging, Towson, MD.
Citizens for Fair Hsng, Baltimore, MD.
Citizens Organized to Purchase Energy (COPE), Baltimore, MD.
City of Westminster, Westminster, MD.
Community Ministry of Montgomery County, Rockville, MD.
Development Training Institute, Baltimore, MD.
Housing Authority of Baltimore City, Baltimore, MD.
Housing Authority of Hagerstown, Maryland, Hagerstown, MD.
Housing Authority of the City of Cumberland, Cumberland, MD.
Howard Cnty Hsng Alliance, Columbia, MD.
Hsng Auth., City of Frederick, Frederick, MD.
Hsng. Auth. of Washington Cnty., Hagerstown, MD.
Jubilee Baltimore, Baltimore, MD.
MD Chap. of the Amer. Plng. Assn., Annapolis, MD.
MD Citzn Actn. Coal/Silver Spring Office, Silver Spring, MD.
Missionary Servants of the Most Holy Trinity, Silver Spring, MD.
Montgomery Cnty, MD Hsng Oppty Cmsn., Kensington, MD.
Montgomery Co. Commission on Aging, Rockville, MD.
Montgomery County Community Action Board, Rockville, MD.
Mutual Hsng. Assn. of Balto., Inc., Baltimore, MD.
NAACP-Maryland, Northeast, MD.
Ngbrhds Together, Inc., Silver Spring, MD.
Owens Memorial Baptist Church, Baltimore, MD.
People for Better Hsng. Inc., Fredericksburg, MD.
People's Homesteading Group, Inc., Baltimore, MD.
Pioneers First Home, Hagerstown, MD.
Sharp Leadenhall, Baltimore, MD.
Snow Hill Cit, for Decent Hsng., Snow Hill, MD.
Snr. Advocates of Howard Cnty., Columbia, MD.
St. Ambrose Housing Aid Center, Baltimore, MD.
St. Jerome Hsng. Corp., Inc., Baltimore, MD.
The Enterprise Foundation, Columbia, MD.
United Cmmties Against Poverty, Inc., Capitol Heights, MD.
Wash. Cnty Cmmty. Action Cncil, Inc., Hagerstown, MD.
Wmn's Hsng Coal, Inc., Baltimore, MD.
Wyman House Tenant Council, Baltimore, MD.
Coastal Management Company, Portland, ME.
Deering Pavilion, Portland, ME.
Franklin Cnty Cmmty Action Cncil, Inc., East Wilton, ME.
Franklin Towers Tenant Cncil., Portland, ME.
Maine Assn of Interdependent Neighborhoods, Bangor, ME.
Portland Hsng Auth, Portland, ME.
Riverton Imprvmnt. Project, Portland, ME.
Sagamore Village Tenant Cncil., Portland, ME.
Temporary Shelter for the Homeless, Presque Isle, ME.
United Way of Greater Portland, Portland, ME.
Waldo Gilpatrick Advocate for the Elderly, Augusta, ME.
Washington Gardens Tenant Cncil., Portland, ME.
York Cnty Cmmty Action Corp., Sanford, ME.
York-Cumberland Housing, Goreham, ME.
Alger-Marquette Cmmty Mental Health Ctr., Marquette, MI.
Area Agency on Aging of Western Michigan, Grand Rapids, MI.
Area Cmmty Srves Emplymnt. & Trning. Cnci., Grand Rapids, MI.
Battle Creek Area Urban League, Battle Creek, MI.
Bay County Division on Aging, Bay City, MI.
Burton Neighborhood Housing, Inc., Burton, MI.
Catholic Charities, Lansing, MI.
Church of the Messiah Housing Corp., Detroit, MI.
Citry of Saginaw, Saginaw MI.
City of Grand Rapids, Plng Dept., Grand Rapids, MI.
Cmmty Action Agency of South Central Michigan, Battle Creek, MI
Community Action House, Holland, MI.
Cooperative Services, Inc., Oak Park, MI.
Detroit Non Profit Housing Corporation, Detroit, MI.
Detroit Organization of Tenants, Detroit, MI.
Dwelling Place of Grand Rapids, Inc., Grand Rapids, MI.
Groundwork for a Just World, Detroit, MI.
Housing Law Reform Project, Ann Arbor, MI.
Inner City Christina Fed., Grand Rapids, MI.
Latin American Affairs Department, Saginaw, MI.
Livonia Hsng. Commission, Livonia, MI.
Madison Square Co-operative, Inc., Grand Rapids, MI.
Mercy Services For Aging, Farmington Hills, MI.
MI Chap of the Amer. Plng. Assn., Detroit, MI.
Michigan Housing Coalition, Detroit, MI.
Michigan League for Human Services, Lansing, MI.
Mt. Morris Township Senior Citizen Services, Mt. Morris, MI.
Northeast Michigan Community Service Agency, Alpena, MI.
Pontiac/North Advisory Council, Pontiac, MI.
Region II Cmmty Action Agncy., Hillsdale, MI.
Saginaw County Community Action Committee, Saginaw, MI.
Saginaw County Youth Protection Council, Saginaw, MI.
Saranac Housing Commission, Saranac, MI.
Shelter of Flint, Inc., Flint, MI.
South Kent Mental Health Services, Inc., Grand Rapids, MI.
Srs. of Mercy-St. Francis Xavier Convent, Grand Rapids, MI.
St. Joseph's Alternative Education, Inc., Saginaw, MI.
The Other Way Cmmty Ctr., Grand Rapids, MI.
U-Snap-Bac, Inc., Detroit, MI.
United Community Housing Coalition, Detroit, MI.
United Way of Kent County, Grand Rapids, MI.
Urban Coalition of Greater Flint, Flint, MI.
Warren/Conner Dev. Coal, Detroit, MI.
Anoka Hsng. & Redevlpmnt Auth., Anoka, MN.
Big Stone Cnty Hsng & Redevlpmnt. Auth., Ortonville, MN.
Caritas Family Services, St. Cloud, MN.
Cath. Char./Archdcse. of St. Paul/Minn, St. Paul, MN.

Central Hennepin Human Sercs. Cncil., Minneapolis, MN.
City of Duluth, Duluth, MN.
City Wide Resident Cncil, St. Paul, MN.
Cmmty. Dev. Corp. for the Archdiocese, St. Paul, MN.
Community Equity Fund, Minneapolis, MN.
Ctr City Hsng Corp., Duluth, MN.
Dayton's Bluff Nghrhd Hsng Servcs. Inc., St. Paul, MN.
Duluth Cmmty. Action Program, Inc., Duluth, MN.
East Side Neighborhood Development Corporation, Saint Paul, MN.
Energy Efficient Self Hsng Inc., Blue Earth, MN.
Fergus Falls HRA, Fergus Falls, MN.
Franciscan Sisters of Little Falls, Little Falls, MN.
Greater Duluth Coal, Duluth, MN.
HRA of Cambridge, Cambridge, MN.
John Paul Apts., Cold Spring, MN.
Merriam Pk Cmmty Cncil., St. Paul, MN.
Metro Council of the Twin City Area, St. Paul, MN.
Minnesota State Council on Disability, St. Paul, MN.
MN Chap of the Amer. Plng Assn., Apple Valley, MN.
MN Clergy & Laty Concerned, Minneapolis, MN.
MN Cncil of NonProfits, St. Paul, MN.
MN Coal. for the Homeless, Minneapolis, MN.
MN Odd Fellows Nursing Home, Northfield, MN.
Ngbrhd. Improvmnt. Co., Minneapolis, MN.
Park Cooperative Apts., Minneapolis, MN.
Phillips Cmmty Dev. Corp., Minneapolis, MN.
Phillips Ngbrhd, & Trust, Minneapolis, MN.
Public Hsng. Agncy of the City of St. Paul, St. Paul, MN.
Roosevelt Resident Cncil, Inc., St. Paul, MN.
Senior Hsng. Inc., St. Paul, MN.
Seward Redesign, Inc., Minneapolis, MN.
St. Paul Coal for the Homeless, St. Paul, MN.
St. Paul Tenants Union, St. Paul, MN.
Summit-University Plng. Cncil., St. Paul, MN.
Theresa Living Ctr., St. Paul, MN.
West Bank Cmmty. Dev. Corp., Minneapolis, MN.
West Hennepin Human Services Planning Board, St. Louis Park, MN.
Women's Advocates, St. Paul, MN.
The Greater MN Metro. Hsng. Corp., Minneapolis, MN.
Adequate Hsng for Missourians, St. Louis, MO.
C.N.S.I./M.O.R.E. Leadership Legislative Comm, St. Louis, MO.
Catholic Charities of St. Louis, St. Louis, MO.
City of St. Louis Division of Human Servıces, St. Louis, MO.
Ecumenical Housing Production Corp., St. Louis, MO.
Good Ngbr. Program, Kansas City, MO.
Greater Kansas City Housing Information Center, Kansas City, MO.
Guadalupe Center, Inc., Kansas City, MO.
Hamilton Heights Neighborhood Organization, St. Louis, MO.
Hsng. Options Provided for the Elderly, St. Louis, MO.
International Institute, St. Louis, St. Louis, MO.
Mercy Housing, Kansas City, MO.
Missouri Association for Social Welfare, Jefferson City, MO.
MO Chap. of NAHRO, Springfield, MO.
Ngbrhd. Enterprises, Inc., St. Louis, MO.
North Side Team Ministry, St. Louis, MO.
Northside Cmmty Ctr., Inc., St. Louis, MO.
Operation Food Search, St. Louis, MO.
Peter and Paul Community Services, Inc., St. Louis, MO.
Redevelopmnt. Oppty. for Wmn., St. Louis, MO.
Soulard Ngbrhd. Imprvmnt. Assn., St. Louis, MO.
St. Louis Area Agency on Aging, St. Louis, MO.
St. Louis Assn. of Cmmty. Org, St. Louis, MO.
Task Force on Hunger (Episcopal Diocese), St. Louis, MO.
The Gtr St. Louis Lead Poisoning Prev. Cncl., St. Louis, MO.
The Salvation Army, St. Louis, MO.
Urban League of Metro. St. Louis, St. Louis, MO.
Westside Hsng. Organ., Kansas City, MO.
Youth Ed. & Health in Soulard, St. Louis, MO.
Jackson Urban League, Jackson, MS.
MS Chap of the Amer Plng. Assn., Hattiesburg, MS.
Travelers Aid, Jackson, MS.
Western Central Chap. Amer Plng. Assn., Billings, MT.
Albemarle Hsng Authority, Albemarle, NC.
Brunswick Cnty. Public Hsng Agncy., Bolivia, NC.
Charlotte-Mecklenburg Urban League, Charlotte, NC.
Choanoke Area Dvlpmnt. Assn., Inc., Murfreesboro, NC.
Gastonia Hsng. Auth., Gastonia, NC.
Hsng. Auth. of the City of Lumberton, Lumberton, NC.
Madison County Housing Authority, Marshall, NC.
Ministry for Justice & Peace, Charlotte, NC.
NAACP, Greensboro, NC.
NC Chap. Amer. Plng. Assn., High Point, NC.
Oxford Hsng. Auth., Oxford, NC.
Raleigh Inter-Church Housing Corp., Raleigh, NC.
Travelers Aid Society of Charlotte, N.C., Inc., Charlotte, NC.
Travelers Aid/Family Services of Wake County, Raleigh, NC.
Unitarian Universalist Fellowship of Raleigh, Raleigh, NC.
Western Piedmont Cncil of Gov'ts., Hickory, NC.
Catholic Family Service, Fargo, ND.
Special Investment & Mgmnt. Co, Inc., Fargo, ND.
Catholic Health Corp., Omaha, NE.
Holy Name Hsng. Corp., Omaha, NE.
Housing Authority of the City of Omaha, Omaha, NE.
Housing Authority of the City of Ord, Ord, NE.
NE Chap Amer. Plng. Assn., Omaha, NE.
Nebraska Chapter, NAHRO, Omaha, NE.
OEDC, Omaha, NE.
Omaha Coalition for the Homeless, Omaha, NE.
Sisters of Mercy Province of Omaha, Omaha, NE.
The Urban Hsng. Foundation, Inc., Omaha, NE.
United Catholic Social Services, Omaha, NE.
Urban League of Nebraska, Inc., Omaha, NE.
Gtr. Manchester Low Income Hsng. Netwrk., Manchester, NH.
New England Non-Profit Hsng. Dev. Corp., Manchester, NH.
Srs. of Mercy of NH, Windham, NH.
Anthony Hse. for Evicted Wmn/Subteen Chldrn., Jersey City, NJ.
Atlantic City Branch NAACP, Atlantic City, NJ.
Atlantic Human Resources, Inc., Pleasantville, NJ.
Bergen Chapter National Caucus Black and Aged, Hackensack, NJ.
Bergen County Housing Coalition, Hackensack, NJ.
Business and Professional Women's Club, Atlantic City, NJ.
Camden Cnty. New Jersey NAACP, Camden, NJ.
Camden County New Jersey NAACP, Camden, NJ.
Camden Shelter Coalition, Camden, NJ.
Cmmty. Investment Corp., New Brunswick, NJ.
Domestic Abuse & Rape Crisis Center, Belvidere, NJ.
Elizabeth Coal. to House the Hmlsnss., Elizabeth, NJ.
Essex Cnty College/Wise Wmn's Ctr., Newark, NJ.
Essex Co. Family Violence Program, Newark, NJ.
Essex Co. Family Violence Prgm., Newark, NJ.
Fair Housing Council of Northern New Jersey, Hackensack, NJ.
Good Samaritan Ctr., Inc., Camden, NJ.
Health & Human Servcs., Newark, NJ.
Hispanic Assn. of Ocean County, Lakewood, NJ.
Homes for All, Inc., Toms River, N.J.
Housing Authority of Plainfield, Plainfield, NJ.
Housing Authority of the City of East Orange, East Orange, NJ.
Hsng Auth of Morris Cnty, Morristown, NJ.
Hsng Auth. of the Cnty of Morris, Morristown, NJ.
Hsng. Oppty. Made Equal for All, Inc., Toms River, NJ.
Hud's Trentonsng Conselng. Serv., Trenton, NJ.
Ironbound Ecumenical Association, Newark, NJ.
Irvington Tenants Org., Irvington, NJ.
Isles, Inc., Trenton, NJ.
Jersey Battered Women's Service Inc., Morristown, NJ.
Johnson and Camper, Atlantic City, NJ.
La Casa de Don Pedro, Newark, NJ.
Latins Community Land Trust, Trenton, NJ.
Leavenhouse, Camden, NJ.
Life Line Emergency Shelter, Inc., Trenton, NJ.
Mill Hill Community Land Trust, Trenton, NJ.
Monmouth County Coalition for Homeless, Wall, NJ.
Monmouth County Coalition for the Homeless, Neptune, NJ.
Morris Cnty Urban League, Morristown, NJ.
Morris County Branch NAACP, Morristown, NJ.
Neighborhood Council—OCEAN, Inc., Toms River, NJ.
New Jersey Assn. of Hsng Counselors, Paterson, NJ.
New Jersey Right to Housing, East Brunswick, NJ.
New Jersey Tenants Organization, Hackensack, NJ.

Newark Collaboration Group, Newark, NJ.
Newark Emergncy. Servcs. for Families, Inc. Newark, NJ.
Ocean Community Economic Action Now, Inc., Toms River, NJ.
Ocean County Branch of the NAACP, Lakewood, NJ.
Passaic Cnty Wmn's Ctr., Paterson, NJ.
Providence House/Willingboro Shelter, Burlington, NJ.
Rescue Mission of Trenton, Inc., Trenton, NJ.
Shelter Our Sisters, Inc., Hackensack, NJ.
The Apostles' House Emergency Aid for Families, Newark, NJ.
Urban League for Bergen Co., Inc., Englewood, NJ.
Urban League of Essex County, Newark, NJ.
W. Windsor Cmsn. on Agng. & Snr. Srvcs., Princeton Jct., NJ.
Womanspace, Inc., Lawrenceville, NJ.
Woman Aware, Inc. (Abused Womens' Services) New Brunswick, NJ.
Women's Crisis Services, Inc., Flemington, NJ.
Women's Resource & Survival Center, Keyport, NJ.
Y.W.C.A. of Eastern Cnty., Elizabeth, NJ.
Albuquerque Jobs with Peace, Albuquerque, NM.
Cmmty. Assistance Grp., Inc., Albuquerque, NM.
Dona Ana NAACP, Las Crucez, NM.
New Initiatives Hsng, Inc., Albuquerque, NM.
NM Chap of the Amer. Plng. Assn., Albuquerque, NM.
Tierra Del Sol Hsng. Corp., Las Cruces, NM.
City of Henderson-Economic Dept., Henderson, NV.
Cmmttee. to Aid Abused Wmn., Sparks, NV.
Housing Authority of the County of Clark, Las Vagas, NV.
Hsng. Auth of the City of N Las Vegas, North Las Vegas, NV.
NV Chap of the Amer Plng Assn., Los Vegas, NV.
NV Chap. Amer. Plng. Assn., Los Vegas, NV.
Reno Hsng Authority, Reno, NV.
American Red Cross, Kingston, NY.
Ashanti Tenant Mgmnt., Corp., Rochester, NY.
Bellport, Hagerman, East Patchogue Alliance, Bellport, NY.
Bishop Sheen Ecumenical Housing Foundation, Rochester, NY.
Brighton Ngbrhd. Assoc., Inc., Brooklyn, NY.
Buffalo Urban League, Buffalo, NY.
Cathedral Snr. Outreach Prgm., New York, NY.
Catholic Charities/Christopher Cmmty, Inc., Syracuse, NY.
Cayuga Cnty Homesite Dev. Corp., Auburn, NY.
Citizens Hsng. & Plng. Cncil., New York, NY.
Claremont Village Tenant Association, Bronx, NY.
Cmmty. Serv. Soc. of NY, New York, NY.
Community Development Legal Assistance Center, New York, NY.
Community Progress Inc., Corning, NY.
Community Training & Resource Center, New York, NY.
Cortland Cnty Residential Resrces Corp., Cortland, NY.
CSEA Local 834, Syracuse, NY.
Disabled in Action of Metropolitan NY, New York, NY.
Dutches County Coalition, Beacon, NY.
E. NY Urban Yth. Corps Hsng. Dev. Fund Corp., Brooklyn, NY.
Economic Oppty. Cncil. of Suffolk, Inc., Patchogue, NY.
Edith-Doran Tenant Assn., Rochester, NY.
Fifth Avenue Cmmttee., Inc., Brooklyn, NY.
Flower City Lodge #91, Rochester, NY.
Good Shepherd House of Prayer, Bronx, NY.
Gray Panthers, Buffalo, NY.
Homes for the Homeless, New York, NY.
Homsite Development Corporation, Auburn, NY.
Housing Development Council of Orleans County, Albion, NY.
Hsng. Imprvmnt. Progm., Buffalo, NY.
Hudson River, Inc. Poughkeepsie, NY.
Human Dev Office of Rockville Ctr, New York, Rockville, NY.
Human Development Services, Port Chester, NY.
Interreligious Coalition for Housing, New York, NY.
ISLA Housing and Development Corporation, Rochester, NY.
Jamaica Hsng. Imprvmnt. Inc., Jamaica, NY.
Leviticus 25:23 Alternative Fund, Inc., Ossining, NY.
Longwood Hist. Dist. Cmmty. Assn., Inc., Bronx. NY.
MEGA-Cities Project, New York, NY.
Melita House, Rochester, NY.
Mercy Haven, Inc., Babylon, NY.
Monsignor Robert Fox Memorial Shelter, New York, NY.
NAACP Glen Cove Branch, Glen Cove, NY.
NAACP-Corona East Elmhurst Branch, Corona, NY.
Nazareth Home, Inc., New York, NY.
New York Assn of Homes & Servcs, for the Aging, Albany, NY.
New York City Housing—NAACP Branch, Bronx, NY.
New York State Tenant & Neighborhood Coalition New York, NY.
Ngbrhd Wmn's Project, Syracuse, NY.
Niagara Falls Hsng Auth., Niagara Falls, NY
NY Metro Chap of the Amer Plng. Assn., New York, NY.
Ny Upstate Chap of the Amer Png. Assn., Buffalo, NY.
NYC Coalition on Housing for Disabled People, New York, NY.
NYS Assn. of Renewal & Hsng. Offcls., Inc., Albany, NY.
Onondaga Wmn's Political Caucus, Syracuse, NY.
Ossining Branch NAACP, Ossining, NY.
Paulist Fathers, Scarsdale, NY.
Pelham Hsng. Authority, Pelham, NY.
People's Firehouse, Inc., Brooklyn, NY.
Pratt Ctr. For Cmty & Envrnmntl. Dvlpmnt., Brooklyn, NY.
Pratt Institute, Brooklyn, NY.
Resrce. Ctr. for Accessible Living, Inc., Kingston, NY.
Resurrection House, Inc. Wheatley Heights, NY.
Riverside Church Men's Shelter, New York City, NY.
Rochester Housing Authority, Rochester, NY.
Rondout Valley United Meth. Church, Stone Ridge, NY.
Rural Oppty. Inc. Rochester, NY.
Save the Children Federation, New York, NY.
Sisters of Charity, Bronx, NY.
Southwest Bronx Community Coordinating Council, Bronx, NY.
St. Lawrence County Housing Council, Inc., Canton, NY.
Staten Island Branch NAACP, Staten Island, NY.
Steuben Churchpeople Against Poverty, Inc., Bath, NY.
Syracuse Dental Hygenist Assn., Liverpool, NY.
Syracuse United Ngbrs Westend Coal., Syracuse, NY.
Syracuse-Onondaga NAACP, Syracuse, NY.
Ukter Cnty Cmmty Action, Kingston, NY.
United Church Bd for Homeland Ministries, New York, NY.
United Tenants of Albany, Albany, NY.
Urban League of Long Island, New York, NY.
Urban League of Onondaga Cnty., Syracuse, NY.
Village of St. Johnsville Hsng. Auth., St. Johnsville, NY.
Volunteers of Amer. of Gtr. NY, New York, NY.
Walter Castle, Yonkers, NY.
West Side Federation for Sonion Housing, Inc., New York, NY.
Westchester Cnty Dept. of Plng., White Plains, NY.
Westside Inner City Assn., Syracuse, NY.
White Plains Hsng Info. Serv., Inc., White Plains, NY
YWCA of Ulster Cnty. Kingston, NY
Aftercare Residential Ctr., Lakewood, OH.
American Red Cross Emergency Hsg Program, Dayton, OH.
Appalachian Ohio Public Interest Campaign, Athens, OH.
Assn of OH Philanthropic Homes & Hsg., Columbus, OH.
Aurora Project, Inc., Toledo, OH.
B.L.A.D.E.S., Kent, OH.
Battered Women's Project c/o YWCA, Dayton, OH.
Bethany House, Cincinnati, OH.
C.O.P.E., Inc., Dayton, OH.
Camp Washington Commty Bd, Inc., Cincinnati, OH.
Catholic Community Serv, Lorain, OH.
Catholic Social Services., Dayton, OH.
Christ Life Sanctuary, OH.
Cincinnati Metro. Advsry. Cncil., Cincinnati, OH.
City of University Heights, University Height, OH.
Cleveland Branch NAACP, Cleveland, OH.
Cleveland Health Care for the Homeless, Cleveland, OH.
Cleveland Hsng. Receivership Project, Inc., Cleveland, OH.
Cleveland Tenant's Organization, Cleveland, OH.
Clinton County Low Income Housing Coalition, Wilmington, OH.
CMHA Central Resident Advsry. Cncil., Cleveland, OH.
Collingwood Springs Redevelopment Corp., Toledo, OH.
Columbus Urban League, Columbus, OH.
Corp. for OH Appalachian Dev., The Plains, OH.
Council for Hsng & Rural Dev. Of OH, Columbus, OH.
Ctr. for Ngbrhd. Dev., Cleveland, OH.
Cuyahoga Street Area Block Club, Inc., Akron, OH.
Dayton Central YMCA, Dayton, OH.
Deaconess Krafft Center, Cleveland, OH.
Department of Social Concerns, Columbus, OH.
Dept. of Commty Dvlpmnt., Toledo, OH.
Eastside Cath. Shelter, Cleveland, OH.

Economic Oppty. Plng. Assn., Toledo, OH.
Family Outreach Church United Servcs., Toledo, OH.
Family Service Assn., Dayton, OH.
Findloter Garden Resident Cncil, Cincinnati, OH.
Friends of the Homeless, Columbus, OH.
Gerard Diaz Associates, Columbus, OH.
Governing Bd. of the Srs. of Charity, Mount St. Joseph, OH.
Greater Cincinnati Coalition for the Homeless, Cincinnati, OH.
Heights Commty Congress, Cleveland Heights, OH.
Heritage Preserv. Dvlpmnt. Corp., Cincinnati, OH.
Heritage Preserv. Dev. Corp., Cincinnati, OH.
Homes/Casas, Inc., Fremont, OH.
House My People, Inc., Toledo, OH.
Housing Opportunities Made Equal (HOME), Cincinnati, OH.
Hsng. Action Team, Fremont, OH.
Intercommunity Justice & Peace Ctr., Cincinnati, OH.
Interfaith Home Maintenance Service, Inc., Youngstown, OH.
Jefferson Cnty. Commty. Action Cncil, Inc., Steubenville, OH.
Kemper Lane Apartments Tenant Council, Cincinnati, OH.
Laurel Hmes. Residents Cncil, Cincinnati, OH.
Lima-Allen Community Action Commission, Lima, OH.
Lincoln Ct. Resident Council, Cincinnati, OH.
Lower Price Hill Cmty. Urban Redvlpmnt. Corp., Cincinnati, OH.
Lutheran Soc Servcs. of Central OH, Columbus, OH.
Maximun Independent Living, Cleveland, OH.
Meigs Cnty. Cncil on Agng., Inc., Pomeroy, OH.
Millvalle Resident Cmmty. Cncil., Cincinnatti, OH.
Montgomery Cnty. Chldrn Srvc Bd., Dayton, OH.
Montgomery Cnty. Dev Corp., Dayton, OH.
Montgomerty Co Adult Probation Dept., Dayton, OH.
NAACP, Marion, OH.
NER OH Legal Servcs., Youngstown, OH.
North Fairmount Community Center, Cincinnati, OH.
Nowata Gardens Coop, Chickasha, OH.
OH Chap of the Amer. Plng. Assn., Cincinnati, OH.
OH Farmworker Oppties., Bowling Green, OH.
OH Hsng. Finance Agency, Columbus, OH.
Ohio CDC Association, Cincinnati, OH.
Ohio Coalition for the Homeless, Columbus, OH.
Ohio Hispanic Institute of Opportunity, Inc., Toledo, OH.
Park Eden, Cincinnati, OH.
People Wrking Cooperatively, Inc., Cincinnati, OH.
Professional Housing Services, Inc., Cleveland, OH.
Professional Hsng. Servcs. Inc., Cleveland, OH.
Rehab Project, Lima, OH.
RESTOC, Inc., Cincinnati, OH.
San Marco Resident Cncil, Cincinnati, OH.
Setty Kuhn, Cincinnati, OH.
Share-A-Home Program (Miami Valley), Dayton, OH.
Sisters of Mercy Provence Justice Committee, Cincinnati, OH.
Soc. Just. Cmmtee. of St. Joseph Parish, Springfield, OH.
South Side Settlement, Columbus, OH.
SRD-Ngbrhd. Devlpmnt., Dayton, OH.
Srs. of Charity Health Care Systems, Inc., Cincinnati, OH.
Srs. of Charity/Dayton Region, Dayton, OH.
St. John Social Service Center, Cincinnati, OH.
St. Mark Ev. Lutheran Church, Fremont, OH.
Stanley Rowe "B", Cincinnati, OH.
Teen Connection, Dayton, OH.
The Cincinnati Metro. Residents Advsy Bd., Cincinnati, OH.
The Housing Advocates, Inc., Cleveland, OH.
The Salvation Army-Dayton Central Corp, Dayton, OH.
Union-Miles Dev. Corp., Cleveland, OH.
Walnut Hills Redev. Foundation, Cincinnati, OH.
Winton Terr Resident's Cncil., Cincinnati, OH.
Women Empowered, Dayton, OH.
Young Women's Christian Assn., Dayton, OH.
Zelma George Shelter, Cleveland, OH.
ZEPF, CMHC, Toledo, OH.
Absentee Shawnee Hsng. Auth., Shawnee, OK.
Commission for Just. & Human Dev., Oklahoma City, OK.
Metropolitan Tulsa Urban League, Inc., Tulsa, OK.
Assn. of OR Hsng. Auth., Salem, OR.
Central City Concern, Portland, OR.
City of Springfield, Springfield, OR.
Homestreet, Inc., Hillsboro OR.
Housing Auth. of Portland, Portland, OR.
Hsng. Auth. of Douglas Cnty., Roseburg, OR.
Hsng. Servcs. of OR, Cornelius, OR.
Knight Real Estate Co., Sutherlin, OR.
Lyn Musolf & Associates, Portland, OR.
Marion County Housing Authority, Salem, OR.
Mental Health Assn. of OR, Salem, OR.
Oregon Chapter American Plng. Assn., Albany, OR.
Polk County Housing Authority, Dallas, OR.
Portland Impact, Portland, OR.
Reach Community Development, Inc., Portland, OR.
Shared Hsng., Portland, OR.
Southeast Uplift Neighborhood Program, Portland, OR.
Southwestern Oregon Cmmty. Actn. Cmmttee., North Bend, OR.
Specialized Housing, Inc., Salem, OR.
SWstrn. OR Cmty. Action, Inc., North Bend, OR.
Urban League of Portland, Portland, OR.
Washington Cnty. Mental Health Dept., Hillsboro, OR.
Advocacy Committee for Emergency Services, Philadelphia, PA.
Aliquippa Alliance for Unity & Dev, Aliquippa, PA.
Allied Human Services Association, Inc., New Castle, PA.
Belmont Imprvmnt., Assn., Philadelphia, PA.
Blair Cnty. Hsng. & Redev. Auth., Holidaysburg, PA.
Bradford/Sullivan/Tioga Cnty. Hsng Auth., Blossburg, PA.
Bucks Cnty. Oppty Cncil, INc., Dolestown, PA.
Bucks Cnty. Welfare Rights Org., Bristol, PA.
Bucks Cnty, Childrn. & Youth Soc. Srvcs. Agcy., Doylestown, PA.
Bucks County Housing Group, Inc., Langhorne, PA.
Catherine McAuley Ctr., Scranton, PA.
Catholic Charities-Lancaster Cnsing. Offc., Lancaster, PA.
Christian Housing Inc., Pittsburgh, PA.
City of Allentown, Allentown, PA.
City of Easton, Easton, PA.
City of Phil.—Dept. of Human Services, Philadelphia, PA.
City of Scranton, Scranton, PA.
Clairvaux Commons Inc., Indiana, PA.
Cmmty Technical Asstnce. Ctr. Pittsburgh, PA.
Cmmty. Actn. Cmte. of Lehigh Valley, Inc., Bethlehem, PA.
Cmmty. Energy Dev. Corp., Philadelphia, PA.
Community Development Coalition, Inc., Philadelphia, PA.
Community Housing Resource Board of York, York, PA.
Covenant Community Church, Philadelphia, PA.
Crispus Attucks Assn., York, PA.
Delaware County Housing Committee, Media, PA.
Delaware County Housing Partnership, Inc., Upland, PA.
Delaware Valley Chap.—NAHRO, Philadelphia, PA.
Duquesne Bus, Advsry. Corp., Duquesne, PA.
East Liberty Dev. Inc., Pittsburgh, PA.
Easton Area YWCA, Easton, PA.
Energy Coordinating Agency of Philadelphia, Philadelphia, PA.
Enterprise Zone Corp. of Braddock, Braddock, PA.
Episcopal Community Services, Philadelphia, PA.
Fair Hsng. Cncil. of DE Cnty. Drexel Hill, PA.
Family & Children Serv. of Lancaster Cnty, Lancaster, PA.
Family Service of Montgomery County, Willow Grove, PA.
Fox Ridge Neighbors, Inc., Harrisburg, PA.
Fox Ridge Ngbrs. Inc., Harrisburg, PA.
Franklin Co. Coalition for the Homeless, Chambersburg, PA.
Friends Assn. for Care & Protection of Children, West Chester, PA.
Genesis II, Inc., Philadelphia, PA.
Gilbert Straub Plaza, Inc., Greensburg, PA.
Gray Smith's Office Architects/Planner, Philadelphia, PA.
Harrisburg Cmmty Eco. Affrs. Inc., Harrisburg, PA.
Harrisburg Fair Housing Council, Harrisburg, PA.
Harrisburg Redvlpmnt. Auth., Harrisburg, PA.
Hispanic Housing Inc., York, PA.
Homestead Eco. Revitlztn. Corp., Homestead, PA.
Housing Council of York, Inc., York, PA.
Hsng. Auth. of the Cnty. of Greene, Waynesburg, PA.
Hsng. Dev. Corp., Lancaster, PA.
Immaculate of Mary Inc. (John Paul Plaza), Pittsburgh, PA.
Lehigh Valley Confederation on the Homeless, Bethlehem, PA.
Life Guidance Srvcs., Broomall, PA.
Manchester Citizens Corp., Pittsburgh, PA.
McKeesport Branch, NAACP, McKeesport, PA.
McKeesport Hsng Corp., McKeesport, PA.
Media Fellowship House, Media, PA.
Merch Hospice, Philadelphia, PA.

Mill Creek Cncil., Inc., Philadelphia, PA.
Montgomery County Aging and Adult Services, Norristown, PA.
NAACP Action Branch, Philadelphia, PA.
Nat'l Temple Non-Profit Corp., Philadelphia, PA.
New Kensington Cmmty. Dev. Corp., Philadelphia, PA.
North Light Inc., Philadelphia, PA.
Northumberland Cnty. Hsng. Auth., Milton, PA.
Ogontz & Revitalization Corp., Philadelphia, PA.
Operation Better Block, Inc., Pittsburgh, PA.
PA Assn. of Non-Profit Hmes. for the Aging, Camp Hill, PA.
PA Hsng. Finance Agcy., Harrisburg, PA.
People's Emergency Center, Philadelphia, PA.
Philadelphia Baptist Association, Philadelphia, PA.
Philadelphia Urban Finance Corp., Philadelphia, PA.
Philadelphians Concerned About Hsng., Philadelphia, PA.
Point Breeze Federation, Inc., Philadelphia, PA.
Redevelopmnt. Auth. of the City of McKeesport, McKeesport, PA.
Redevlpmnt. Auth. of Sunbury, Sunbury, PA.
Shared Hsng. Resource Ctr., Philadelphia, PA.
Shenango Valley Urban League, Inc., Sharon, PA.
Sisters of Mercy, Merion Station, PA.
Sisters of Mercy, Province of Scranton, Dallas, PA.
South Philadelphia NAACP, Philadelphia, PA.
Spanish American Center of York, York, PA.
Srs. of Mercy of Alleg. Cnty., Pittsburgh, PA.
St. Ambrose Manor-Christian Housing, Pittsburgh, PA.
St. Francis Plaza, Pittsburgh, PA.
St. Justin Plaza, Inc., Pittsburgh, PA.
St. Theresa Plaza, Inc., Minnhall, PA.
St. Thomas More Manor, Bethel Park, PA.
SW Task Force, Inc., Philadelphia, PA.
Tenants Action Group of Philadelphia, Philadelphia, PA.
The Brashear Assn., Pittsburgh, PA.
The Salvation Army Red Shield, Philadelphia, PA.
Uptown Snr. Citizens Ctr., Inc., Harrisburg, PA.
Urban League of Philadelphia, Philadelphia, PA.
Urban Redelpmnt. Auth. of Pittsburgh, Pittsburgh, PA.
VISION, Wilkes Barre, PA.
Westmoreland Human Opportunities, Inc., Greensburg, PA.
Women of Hope, Philadelphia, PA.
Women's Agenda, Philadelphia, PA.
York Area Development Corporation, York, PA.
York HABITAT for Humanity, Inc., York, PA.
Young Women's Christian Assn., Williamsport, PA.
Desarrollos Metalarte, Inc., Coamo, PR.
Coalition for Consumer Justice, Woonsocket, RI.
Elmwood Neighborhood Housing Services, Providence, RI.
Family Housing Development Corp., Providence, RI.
Good News Housing, Providence, RI.
Hsng. Auth. of the City of Woonsocket, Woonsocket, RI.
John Hope Settlement House/Project BASIC, Providence, RI.
Joslin Community Development Corp., Providence, RI.
Manton Heights Tenant Assoc., Providence, RI.
RI Assn. of Executive Directors for Hsng., Woonsocket, RI.
RI Community Reinvestment Association, Providence, RI.
Shelter Services, Inc., Warwick, RI.
Smith Hill Center, Providence, RI.
St. Lucy Paris Cmmty. Actn. Cmtee., Middletown, RI.
St. Michael's Parish, Providence, RI.
St. Vincent de Paul Diocese Cncil., Providence, RI.
Stop Wasting Abandoned Property (SWAP), Providence, RI.
The Rhode Island Community Reinvestment Assoc., Providence, RI.
Travelers Aid Society of Rhode Island, Providence, RI.
Greenville, Cnty. Redev. Auth., Greenville, SC.
Hsng. Auth. of Charleston, Charleston, SC.
Hsng. Auth. of Columbia, Columbia, SC.
Hsng. Auth. of Aiken, Aiken, SC.
Hsng. Auth. of Anderson, Anderson, SC.
Hsng. Auth. of Columbia, SC., Columbia, SC.
Pee Dee Cmmty. Action Agcy., Florence, SC.
SC Chap. Amer. Plng. Assn., Lexington, SC.
SC Cmmty. Devlpmnt. Assn., Greenwood, SC.
The Grtr. Columbia Cmmty. Reltns. Cncil., Columbia, SC.
Sisseton Wahpeton Sioux Tribe, Sisseton, SD.
Associated Cath. Char., Inc., Memphis, TN.
Catholic Diocese of Memphis Housing Corp., Memphis, TN.
Knoxville's Cmmty Dvlpmnt. Corp., Knoxville, TN.
Mid-South Peace & Justice Ctr., Memphis, TN.
Mntn. Communities Child Care & Dvlpmnt. Crt, Duff, TN.
Model Valley Economic Development Corporation, Clairfield, TN.
Mountain Women's Exchange, Jellico, TN.
Rural Cumberland Resources, Crossville, TN.
Southern Ngbrhds Network, Nashville, TN.
TN Chap of the Amer. Plng. Assn., Memphis, TN.
Woodland Community Land Trust, Clearfield, TN.
(Third Ward) SE Area Cncil., Houston, TX.
Cameron Cnty Hsng. Auth., Brownsville, TX.
Cath. Family Services, Inc., Lubbock, TX.
City of Dallas Cmmty Dev. Advsry. Cmmttee., Dallas, TX.
Cmmty. Hsng. & Economic Dvlpmnt. Inc, Brownsville, TX.
Coal for the Homeless Houston/Harris Cnty., Houston, TX.
Ctr. for Hsng. Resources, Inc., Dallas, TX.
Hsng. Auth of the City of McAllen, McAllen, TX.
Hsng. Auth. of the City of Del Rio, Del Rio, TX.
Hsng. Auth. of the City of Dilley, Dilley, TX.
Hstn. Res. Cit. Partic. Commission, Houston, TX.
NAACP, Cameron, TX.
NAACP Houston Texas, Houston, TX.
NAACP, H. Boyd Branch, Corpus Christi, Corpus Christi, TX.
OPEIU-277, Dallas, TX.
San Antonio Dvlpmnt. Agcy., San Antonio, TX.
Texas Chapter-NAHRO, Fort Worth, TX.
Texas Tenants Union, Dallas, TX.
TX Alliance for Human Needs, Austin, TX.
TX Chap of the American Plng, Assn., Bellaire, TX.
Urban Progress Corp., San Antonio, TX.
Urban Renewal Agency, San Antonio, TX.
Native Amer. Cath. Diocesan Commission, Salt Lake City, UT.
Peace & Justice Commission, Salt Lake City, UT.
Sacred Heart Church, Salt Lake City, UT.
Salt Lake Citizens' Congress, Salt Lake City, UT.
Salt Lake Neighborhood Housing Services, Salt Lake City, UT.
Travelers Aid Society, Salt Lake City, UT.
Utah Chap of Amer Plng Assn., Farmington, UT.
Utah Housing Coalition, Salt Lake City, UT.
Utah Independent Living Ctr., Salt Lake City, UT.
Westside Youth Project-NHS, Salt Lake City, UT.
Alexandria Low Income Hsng Coal, Alexandria, VA.
Alexandria United Way, Alexandria, VA.
Arlington-Alexandria Coal for the Homeless, Arlington, VA.
Burke Lake Gardens, Burke, VA.
Cath. Char. of the Diocese of Arlington, Inc., Arlington, VA.
City of Portsmouth, Portsmouth, VA.
Ctr. for New Creation, Arlington, VA.
Dungannon Development Commission, Inc., Dungannon, VA.
Freedom House, Richmond, VA.
Gainsboro Ngbrhd. Dev. Corp., Roanoke, VA.
Greensville County NAACP, Emporia, VA.
Guildfield Hghts. Apts., Chatham, VA.
Heritage Flwship United Church of Christ, Reston, VA.
Lee Gardens Tenants Assn., Arlington, VA.
Louisa County Branch NAACP, Louisa, VA.
Mayor's Foundation Ad Hoc Cmtee., Chesapeake, VA.
Mayor's Low Income Hsng Incentives Cmtee., Chesapeake, VA.
Mayor's Task Force on Poverty, Chesapeake, VA.
McClure River Valley Community Service, Nory, VA.
Micah Hsng. Inc., Alexandria, VA.
Partners in Planning, Alexandria, VA.
Reston Interfaith, Inc., Reston, VA.
Robert Pierre Johnson Housing Development Corp., Arlington, VA.
Saunders B. Moon Cmmty Action Asson., Inc., Alexandria, VA.
Tenants of Arlington, Cnty., Arlington, VA.
The Daily Planet, Richmond, VA.
The STOP Organ., Norfolk, VA.
VA Assn. of Hsng. & Cmmty Dev Offc., Norfolk, VA.
VA Beach Dept. of Hsng. Cmmty. Dev., Virginia Beach, VA.
VA Chap of the Amer Plng. Assn., West Point, VA.
Virginia Mountain Housing, Christiansburg, VA.
Washington Plaza Baptist Church, Reston, VA.

Wesley Hsng. Devlpmnt. Corp., Alexandria, VA.
Burlington Community Land Trust, Burlington, VT.
Burlington Hsng. Auth., Burlington, VT.
City of Winooski, Winooski, VT.
Lake Champlain Housing Development Corp., Winooksi, VT.
Montpelier Cmmty Devlpmnt. Agncy., Montpelier, VT.
SE VT Cmmty Action, Bellows Falls, VT.
Vermont Housing Finance Agency, Burlington, VT.
VT State Hsng Auth., Montpelier, VT.
Appalachian S Folklife Ctr., Pipestem, WA.
Bellingham Hsng. Augh/Whatcom Cnty Hsng Auth., Bellingham, WA.
Catholic Charities, Seattle, WA.
City of Seattle (Dept of Cmmty Dvlpmnt.), Seattle, WA.
First Presbyterian Church, Everett, WA.
Fremont Public Assn., Seattle, WA.
Hsng. Auth City of Walla Walla, Walla Walla, WA.
N. Snottomish Cnty. Assn of Churches, Everett, WA.
Our Savior Luthern Church, Everett, WA.
Seattle Hsng. Authority, Seattle, WA.
Seattle Urban League, Seattle, WA.
Seattle-Chinatown Int'l District, Seattle, WA.
Sisters of Providence-Sacred Heart Province, Seattle, WA.
Social Justice Immaculate Conception Parish, Arlington, WA.
St. Cecilia Church, Stanwood, WA.
Stillaguamish Snr. Ctr., Arlington, WA.
Strawberryfield Center, Marysville, WA.
Volunteers of America, Everett, WA.
WA Assn. For Cmmty Eco. Dev., Seattle, WA.
WA Chap of the Amer. Plng. Assn., Seattle, WA.
WA State Dept. of Cmmty. Devlpmnt., Olympia, WA.
Whatcom Self Help Homes, Ferndale, WA.
ADVOCAP, INC., Fond du Lac, WI.
Amery Area Senior Citizens, Inc., Amery, WI.
Bangor Rockland Senior Citizens, Bangor, WI.
Bayview Terrace, Inc., Sturgeon Bay, WI.
Cable Senior Citizens Association, Cable, WI.
Cable Snr. Cit. Assn., Cable, WI.
CAP Services Inc., Stevens Point, WI.
Catholic Social Services, Milwaukee, WI.
Chippewa Dept of Aging, Chippewa Falls, WI.
Coalition of Wisconsin Aging Groups, Madison, WI.
Common Wealth Dev Inc., Madison, WI.
Community Relations-Social Development Comm., Milwaukee, WI.
Cornell Senior Citizens, Cornell, WI.
Cuba City Apartments, Inc., Cuba City, WI.
Dave Cnty Hsng Auth., Madison, WI.
Daystar, Inc., Milwaukee, WI.
Eastman Senior Citizens Club, Eastman, WI.
Elderly Energy Pathfinders of Wisconsin Gas, Milwaukee, WI.
Foundation for Rural Housing, Inc., Madison, WI.
Geriatrics Institute, Milwaukee, WI.
Golden Age Club Senior Ctr., Pulaski, WI.
Gray Panthers, Madison, WI.
Kenasha County Retired Teachers Association, Kenosha, WI.
Lakeshore CAP, Inc., Washington Island, WI.
Local 150, Service Employees International, Milwaukee, WI.
Madison Mutual Hsng. Assn., Madison, WI.
Madison Senior Citizens Advisory Committee, Madison, WI.
Menasha Senior Multi-Purpose Center, Menasha, WI.
Peshtigo Senior Citizens, Peshtigo, WI.
Phelps Senior Citizens, Inc., Phelps, WI.
Pulaski Senior Nutrition Program, Pulaski, WI.
Redgranite Friendship Club, Redgranite, WI.
S.E.R.V.E., Eagle River, WI.
SE WI Hsng Corp., Burlington, WI.
Senior Affiliates of Congregating United, Milwaukee, WI.
Senior Citizens of Spring Valley, Spring Valley, WI,
Sisters of St. Francis of Assisi, Milwaukee, WI.
Social Development Commission, Milwaukee, WI.
South Community Organization, Milwaukee, WI.
St. Francis Interfaith Prog. for Elderly, Cudahy, WI.
Superior Hsng. Auth., Superior, WI.
Vilas County Commission on Aging, Eagle River, WI.
West Central Wisconsin CAA, Inc., Glenwood City, WI.
Westside Hsng. Cooperative, Milwaukee, WI.
WI Chap. of the Amer. Plng. Assn., Milwaukee, WI.
Wisconsin Community Action Program Assn., Madison, WI.
Wisconsin Council on Human Concerns, Madison, WI.
Wisconsin Energy and Older Adult Network, Milwaukee, WI.
Wisconsin Nutrition Project, Inc., Madison, WI.
Wisconsin Partnership for Housing Development, Madison, WI.
Appalachian South Folklife Center, Pipestem, WV.
Clarksburg Hsng. Authority, Clarksburg, WV.
Upper Room Simpson United Church, Charleston, WV.
WV Chap of the Amer. Plng. Assn., Flat Top, WV.
Casper Hsng. Authority, Casper, WY.
Rock Springs Hsng. & Cmmty. Dvlpmnt., Rock Springs, WY.

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NATIONAL ORGANIZATIONS

Organization, city, and State:
AAHA, Washington, DC.
ACORN, Washington, DC.
Amer. Fed. of State, Cnty. & Municipal Empl., Washington, DC.
Amer. Instit, of Certfd. Planrs., Washington, DC.
Amer. Youth Work Ctr., Washington, DC.
American Association of Retired Persons (AARP), Washington, DC.
American Baptist Church, USA, Washington, DC.
American Institute of Architects, Washington, DC.
Americans for Democratic Action, Inc., Washington, DC.
Assn. of Local Hsng. Finance Agencies, Washington, DC.
City of Fresno c/o Floyd Hyde Associates, Washington, DC.
Community Information Exchange, Washington, DC.
Consortium for Services to Homeless Families, Washington, DC.
Consumer Federation Of America, Washington, DC.
Council of Jewish Federations, Washington, DC.
Council of State Community Affairs Agencies, Washington, DC.
Friends of Vista, Washington, DC.
League of Wmn. Vtrs. of the U.S., Washington, DC.
Lutheran Office for Governmental Affairs, Washington, DC.
Nat'l. Assn. of Hsng. Cooperatives, Washington, DC.
Nat'l. Capital Area Chap.-Amer. Planning Assn., Washington, DC.
Nat'l. Caucus & Ctr. on Black Aged, Inc., Washington, DC.
Nat'l. Cncil. for Eco. Dvlpment., Washington, DC.
Nat'l. Corp. for Housing Partnerships, Washington, DC.
Nat'l. Ctr. for Urban Ethnic Affrs., Washington, DC.
Nat'l. Inst. of Snr. Hsg. of the Nat'l. Cncil/Ag. Washington, DC.
National American-Indian Housing Council, Washington, DC.
National Assn of Community Action Agencies, Washington, DC.
National Association of Housing Cooperatives, Washington, DC.
National Coalition for the Homeless, Washington, DC.
National Community Action Foundation, Washington, DC.
National Congress of American Indians, Washington, DC.
National Cooperative Business Association, Washington, DC.
National Council of La Raza, Washington, DC.
National Council on Aging, Washington, DC.
National Farmers Union, Washington, DC.
National Housing Conference, Washington, DC.
National League of Cities, Washington, DC.
National Leased Housing Association, Washington, DC.
National Low Income Housing Coalition, Washington, DC.
National Neighborhood Coalition, Washington, DC.
National Puerto Rican Coalition, Washington, DC.
National Rural Housing Coalition, Washington, DC.
National Urban League, Washington, DC.
Neighborhood Housing Services of America, Washington, DC.
Network: A Cath. Soc. Just Lobby, Washington, DC.
Planners Network, Washington, DC.
Rural Coalition, Washington, DC.
The Committee for Food and Shelter, Inc., Washington, DC.
The Cooperative Hsng. Foundation, Washington, DC.
U.S. Conference of Mayors, Washington, DC.
Union of American Hebrew Congregations, Washington, DC.
United Church of Christ-Ofc. for the Church, Washington, DC.
United Jewish Appeal-NY Federation, Washington, DC.
United Meth. Church-Gnrl. Bd. of Church & Soc., Washington, DC.
Council of Large Public Housing Authorities, Boston, MA.
Jobs for Peace (Nat'l. Offc.), Boston, MA.
City of Baltimore, Baltimore, MD.

McAuley Institute, Silver Spring, MD.
Sisters of Mercy of the Union, Silver Spring, MD.
National Housing Institute, Orange, NJ.
Asian Americans for Equality, New York, NY.
Local Initiatives Support Corp., New York, NY.
Volunteers of America, New York, NY.
National Church Residences, Columbus, OH.
Nat'l. Assn. of Independent Liv. Ctrs., Arlington, VA.

## THE OPERATING CONDITION OF THE PANAMA CANAL

● Mr. LEVIN. Mr. President, last month during the consideration of the State Department authorization, which the Senate passed on October 8, there was an amendment considered which related to the Panama Canal treaties. The Senate tabled this amendment.

During the debate over this amendment, however, there were statements made concerning the deteriorating condition of the Panama Canal. Mr. President, I'd like to submit for the RECORD a letter I received from Mr. William R. Gianelli, the Chairman of the Board of Directors of the Panama Canal Commission, which addresses the concerns expressed by some Senators about the condition of the canal.

Mr. President, I ask that the letter be printed in the RECORD.

The letter follows:

BOARD OF DIRECTORS,
PANAMA CANAL COMMISSION,
*October 30, 1987.*

Hon. CARL LEVIN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LEVIN: During a recent debate on the Senate floor, statements were made concerning "the deteriorating condition of the Panama Canal." As Chairman of the Panama Canal Commission's Board of Directors, I wish to assure you and the other members of the Senate that the Panama Canal is in excellent operating condition.

Primary responsibility for implementing the appropriate programs and overseeing U.S. stewardship of the Panama Canal lies with its Board of Directors—five U.S. and four Panamanian members—will remain unchanged through the life of the Treaty. In addition to the U.S. Chairman, the nine member binational Board includes four other U.S. members with experience in U.S. maritime, port and labor matters. The current U.S. members were appointed by President Reagan, with the advice and consent of the Senate.

The members of the Board are proud of our responsibility and believe that all necessary Canal modernization and maintenance programs are being accomplished. Since the implementation of the Panama Canal Treaty in 1979, over half a billion dollars has been invested directly on the waterway. High mast lighting has been installed at all locks, extending the number of hours during which large vessels can transit; locks towing locomotive and tugboat fleets have been expanded and modernized; segments of the Canal have been widened and straightened and the channel has been deepened by three feet; a vessel tie-up station has been constructed in Gaillard Cut which permits more effective utilization of the Pacific locks; installation of a synchro-lift or elevator type drydock improves our ability to maintain and repair Commission equipment; reservoir management and weather monitoring capabilities have been significantly improved; and a new computerized marine traffic control system has been installed which facilitates the movement of transiting vessels. As a result of these and many other cumulative efforts, the Canal, today, is modern and efficient.

Perhaps the best evidence that these improvement programs are working is our Canal traffic record. Canal business has been increasing and most major traffic elements approached or exceeded all time highs during fiscal year 1987. More than 12,000 ships, carrying nearly 150 million tons of cargo and paying a record $330 million in tolls, passed through the waterway last year.

Looking to the future, shipbuilding trends and trade patterns indicate that the Canal will remain an important conduit for world commerce. Accordingly, we are moving ahead with additional improvements to meet expected requirements. We are proud of the fact that all Canal operations are financed from tolls collected from ships transiting the Canal and that the U.S. taxpayer is not called upon to help finance the operations.

I am confident about the future of the Panama Canal and its continuing role in world trade. Please be assured that the Panama Canal Commission is committed to taking all necessary steps to ensure that the Canal will continue to provide the international shipping community with efficient, cost-effective transit service.

Sincerely,

WILLIAM R. GIANELLI,
*Chairman.*●

## THE CHILD ABUSE PREVENTION AND TREATMENT ACT REAUTHORIZATION OF 1987—S. 1663

● Mr. HARKIN. I am pleased that the Senate yesterday passed S. 1663, the Child Abuse Prevention and Treatment Act Reauthorization of 1987. I would like to commend the distinguished chairman of the Subcommittee on Children, Family, Drugs, and Alcoholism for addressing this important matter. Senator DODD has been a tireless advocate for all children and families, and particularly for those children and families which are sadly the subject of this legislation. Since passage of the Child Abuse Prevention and Treatment Act in 1974, the seriousness of family violence in America has become apparent to us all—thanks largely to persons like Senator DODD and his staff.

S. 1663 addresses family violence, adoption opportunities, and child abuse. I am especially pleased that this legislation creates a new demonstration priority aimed at increasing the participation of minority families in adoption. Moreover, this legislation provides for post legal adoption services to increase the availability of services for adoptive families with special needs children after the adoption has been legalized.

In addition, S. 1663 includes an amendment, which I proposed, which mandates a study of the incidence of abuse of children with disabilities, including children in out-of-home placements, as well as the relationship between child abuse and children's handicapping conditions. This study will also examine the incidence of children who have developed handicapping conditions as the result of child abuse and neglect.

Mr. President, child abuse is a serious public policy issue which will not go away by itself. Child abuse and other forms of family violence do not discriminate on the basis of race, religion, origin, sex, or handicapping condition. I applaud the efforts of the members of the Subcommittee on Children for their commitment to protect this Nation's most valuable assets: our children and our families. Through initiatives to promote the adoption of special needs children, as well as to improve post adoption services, I am hopeful that this legislation will help decrease the incidence of child abuse and increase the number of happy adoptive homes.●

## THE BRAUNS ARE REUNITED

● Mr. LEVIN. Mr. President, today we have welcomed to the Nation's Capital, Svetlana Braun, a young woman who has been married for 3 years to Keith Braun of Southfield, MI. After a long, heartbreaking struggle, she was allowed to leave the Soviet Union and join her husband here.

We thank the Government of the Soviet Union for finally issuing an exit visa to Svetlana, and we wish this young couple all the best as they start a new life together.

At the same time, we note that Ida Nudel and Maria and Vladimir Slepak have very recently arrived in Israel. There they have joined many of their long-time friends and fellow refuseniks. We are all grateful that they have realized their dreams—dreams they have nurtured for more than 15 years.

We look forward to greeting other divided spouses and refuseniks, such as Abe Stolar and Alexander Lerner, whose cases date back to 1975 and 1971, respectively; and former prisoners such as Leonid Volkovsky and Alexei Magarik. It will be a great day when the terms "refusenik," "divided spouse," and "prisoner of conscience" no longer have to be a part of our vocabulary.●

## UNANIMOUS-CONSENT AGREEMENT—REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that when the Senate proceeds to the consideration of the treaty on regulations for the prevention of pollution by garbage from ships, treaty 100-3, the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; provided further, that when the resolution of ratification is pending there be 20 minutes for debate on the resolution to be equally divided and controlled in the usual form; provided further, that there be one amendment by the Senator from Texas [Mr. BENTSEN] in order, that there be 20 minutes for debate on that amendment to be equally divided and controlled in the usual form, that that be the only amendment in order; and I ask unanimous consent further that immediately following the disposition of the amendment the question occur on the adoption of the resolution of ratification without intervening motion or action of any kind; provided further, that there be 10 minutes to be equally divided on any debatable motion or appeal or point of order, and provided finally that the agreement in every respect be in the usual form, that on any motion to reconsider there be no time for debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR THURSDAY

### ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 o'clock tomorrow morning.

Mr. President, I ask unanimous consent that when the Senate convenes tomorrow it convene at the hour of 9 o'clock a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER OF PROCEDURE TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the two leaders tomorrow be waived under the standing order; and, that following the prayer there be not to exceed 2 minutes of morning business; that upon the expiration thereof, the Senate go into executive session to consider the treaty No. 100-3, the treaty on regulations for the prevention of pollution by garbage from ships; and that upon the disposition of the treaty the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CALL OF THE CALENDAR WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over under the rule come over tomorrow and that the call of the calendar be waived.

The PRESIDING OFFICER. Without objection it is so ordered.

## THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader, Mr. WILSON, as to whether or not Calendar Orders numbered 397, 418, 419, 420, and 421 have been cleared on his side of the aisle.

Mr. WILSON. Mr. President, those items, Calendar Orders numbered 397, 418, 419, 420, and 421 have been cleared on this side.

## CALENDAR ORDERS CONSIDERED EN BLOC AND AGREED TO EN BLOC

Mr. BYRD. Mr. President, I ask unanimous consent that the foregoing calendar orders be considered en bloc, agreed to en bloc, with the amendments shown as agreed to, and with the amendments to the preambles agreed to, as shown, that statements be included in the RECORD as fully read, and that the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SENSE OF THE CONGRESS REGARDING INABILITY OF AMERICAN CITIZENS TO MAINTAIN CONTACT WITH RELATIVES IN THE SOVIET UNION

The concurrent resolution (H. Con. Res. 68) expressing the sense of the Congress regarding the inability of American citizens to maintain regular contact with relatives in the Soviet Union, was considered, and agreed to.

The preamble was agreed to.

## NATIONAL VISITING NURSE ASSOCIATION WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 172) to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Association Week", which had been reported from the Committee on the Judiciary, with an amendment:

On page 3, line 5, strike "Association", and insert in lieu thereof "Associations".

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, as amended, and the preamble, are as follows:

S.J. RES. 172

Whereas Visiting Nurse Associations have served homebound Americans since 1885;

Whereas such Associations annually provide home care and support services to nearly 1,000,000 men, women, children, and infants;

Whereas such Associations serve 504 urban and rural communities in 47 States;

Whereas such Associations adhere to high standards of quality and provide personalized and cost-effective home health care and support regardless of the individual's ability to pay;

Whereas such Associations are voluntary in nature, independently operated, and community-based;

Whereas such Associations ensure the quality of care through oversight provided by professional advisory committees composed of local physicians and nurses;

Whereas such Associations enable hundreds of thousands of Americans to recover from illness in the comfort and security of their homes;

Whereas such Associations ensure that individuals who are chronically ill or who have physical and mental handicaps receive the therapeutic benefits of care and support services provided in the home;

Whereas, in the absence of such Associations, thousands of patients with mental or physical handicaps or chronically disabling illnesses would have to be institutionalized;

Whereas such Associations provide a wide range of services, including (where appropriate) health care, hospice care, personal care, homemaking, occupational, physical, and speech therapy, "friendly visiting services", social services, nutritional counseling, specialized nursing services, and meals on wheels;

Whereas such Associations offer nursing care provided by registered nurses, homemaking, therapy, and social services by qualified specialists, and "friendly visiting services" by volunteers;

Whereas in each community served by such Associations, local volunteers support the Association by serving on the board of directors, raising funds, visiting patients in their homes, assisting patients and nurses at wellness clinics, delivering meals on wheels to patients, running errands for patients, working in the Association's office, and providing tender loving care;

Whereas the need for home health care for young and old alike continues to grow annually; and

Whereas on February 23, 1988 a national meeting of Visiting Nurse Associations from throughout the United States will be held in Innisbrook, Florida; Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the period commencing February 21, 1988, and ending February 27, 1988, is designated as "National Visiting Nurse Associations Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The title was amended so as to read "Joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Association Week".

## NATIONAL FOOD BANK WEEK

The joint resolution (S.J. Res. 200) to designate the period commencing on November 8, 1987, and ending on November 14, 1987, as "National Food Bank Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The joint resolution, and the preamble, as amended, are as follows:

S.J. RES. 200

Whereas an influential report has indicated that at least 20 million Americans go hungry at some time during every month, even though America is a land of abundant food resources;

Whereas the assistance of the private sector is needed to meet the increasing demands of families, children, the elderly, unemployed workers, and the homeless for food;

Whereas an extraordinary yearlong effort to feed the hungry is being coordinated by Second Harvest, America's Food Bank Network;

Whereas the 200 local food banks of the non-profit Second Harvest network are committed to channeling the surplus products of food manufacturers and retailers to the needy;

Whereas Second Harvest food banks rely upon the generous donations of hundreds of national food corporations, thousands of local food companies, and millions of concerned individuals;

Whereas in 1986 Second Harvest was able to distribute 352 million pounds of wholesome, nutritious food valued at $500,000,000 to 38,000 charitable feeding programs nationwide; and

Whereas the upcoming Thanksgiving season is a time not only to count one's own blessings, but to support those who are extending a helping hand to their fellow Americans: Now, therefore, be it:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the period commencing on November 8, 1987, and ending on November 14, 1987, is designated as "National Food Bank Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

## COMMENDING THE CZECHOSLOVAK ORGANIZATION CHARTER 77 ON ITS 10TH ANNIVERSARY

The concurrent resolution (S. Con. Res. 31) commending the Czechoslovak human rights organization charter 77, on the occasion of the 10th anniversary of its establishment, for its courageous contributions to the achievement of the aims of the Helsinki Final Act, was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 31

Whereas on August 1, 1975, the Final Act of the Conference on Security and Cooperation in Europe was signed at Helsinki, Finland, by thirty-three European states, together with Canada and the United States;

Whereas the signatories of the Helsinki Final Act committed themselves under principle VII to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language, or religion";

Whereas principle VII specifically confirms the "right of the individual to know and act upon his rights and duties" in the field of human rights, and principal IX confirms the relevant and positive role organizations and persons can play in contributing toward the achievement of the aims of the Helsinki Final Act;

Whereas the Helsinki Final Act raised the expectations of the peoples of Czechoslovakia for greater observance and human rights by the Government of Czechoslovakia, and engenered the formation of Charter 77 in 1977 as a mechanism whereby private citizens could maintain a dialog with that Government;

Whereas since 1977, when two hundred and fifty-seven people signed the Charter 77 manifesto, the number of signatories has risen to over one thousand;

Whereas in April 1978, Charter 77 signatories founded the working group VONS, the Committee for the Defense of the Unjustly Persecuted, which complements the work of Charter 77;

Whereas Charter 77 has informed many in the West of important developments in Czechoslovak society and the world, and it has willingly engaged in dialog with other East European activists, as well as West European organizations and individuals;

Whereas individuals involved in Charter 77 and VONS activities have spoken out honestly and forthrightly in a society beset by routine human rights violations, and they have done so at the risk—and sometimes the certainty—of imprisonment, exile, harassment, and other punishment by the Government of Czechoslovakia;

Whereas the Government of Czechoslovakia persecutes not just the people actively involved in Charter 77's activities, but also family members, including children;

Whereas at present, seven signatories of the Charter 77 manifesto are serving prison terms or are in detention: Walter Kania, Frantisek Veis, Jiri Wolf, Lenka Marechova, Stanislav Pitas, Herman Chromy, and Jan Dus; and

Whereas January 1987 marks the tenth anniversary of the establishment of Charter 77: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the Congress—

(1) commends the Czechoslovak human rights organization Charter 77, on the occasion of the tenth anniversary of its establishment of the aims of the Helsinki Final Act;

(2) calls upon the Government of Czechoslovakia to cease its persecution of those involved in Charter 77 and other human rights activities; and

(3) commends the United States representatives to the Vienna Review Meeting of the Conference on Security and Cooperation in Europe for raising with the representatives of the Government of Czechoslovakia the issue of the persecution of those involved in Charter 77 and other human rights activities, and encourages them to continue to raise this issue.

## DISTRIBUTION OF FILM ENTITLED "AMERICA THE WAY I SEE IT"

The bill (H.R. 3428) to provide for the distribution within the United States of the film entitled "America The Way I See It," was considered, ordered to a third reading, read the third time, and passed.

## NATIONAL FOOD BANK WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate turn to the immediate consideration of House Joint Resolution 368 to designate the week beginning November 8, 1987, as "National Food Bank Week" just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 368) designating the week of November 8 through November 14, 1987, as "National Food Bank Week".

There being no objection, the Senate proceeded to the immediate consideration of the joint resolution.

Mr. DIXON. Mr. President, I rise today to applaud the vital work performed by food banks, charities, pantries, soup kitchens, shelters, and congregate feeding sites. Their outstanding achievements focus attention on a serious problem which, unfortunately, receives far too little attention.

Hunger and homelessness are a national disgrace and the problems are not diminishing. For millions of Americans, hunger is a tragic fact of life. In the Chicago area alone, there are over 800,000 people who are at risk of being hungry. On the national level, over 20 million Americans, including 4 million children face malnourishment. Mr. President, hunger and homelessness are rising at an epidemic level, and requests for hunger assistance throughout our Nation are urgent.

Those involved in the Nation's food bank network, as well as the thousands of charities, pantries, soup kitchens, shelters, and congregate feeding sites have done an outstanding job. The dedication and commitment of all those involved, from the volunteers at the grass-roots level to the executives of the national corporations which donate food, help ensure that the vital objectives of these programs will be accomplished.

Today there is a national network of food banks, spearheaded by Second Harvest. During 1986 Second Harvest collected and distributed 128.5 million pounds of nutritious food. Hundreds of national food companies, local manufacturers, supermarket chains, and canned food drives throughout our country participate in this food network. The Second Harvest national

food bank network reached more than 38,000 agencies serving the hungry in their communities.

I commend the work of all these compassionate people, and the groups and agencies which they represent. Through National Food Bank Week it is my hope that we can increase the public's awareness of the serious problem posed by hunger in America. In addition, it pays tribute to the thousands of dedicated individuals whose tireless work contributes to the eventual eradication of this terrible problem.

The upcoming holidays give impetus to the need for combining efforts at the local, State, and national levels to bring food to the needy. We must continue to build a corporate-public partnership program to aid those less fortunate.

Mr. President, the sad part is that we had this problem licked once. As a nation, we Americans first became aware that many of our citizens were hungry and malnourished when thousands of men were rejected for service on those grounds during World War II. Programs were put in place which worked to virtually eliminate hunger and malnutrition across our bountiful land. We did the job then. We must do it again—now.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 368) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. WILSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, is the bill H.R. 2939 at the desk?

The PRESIDING OFFICER. The bill, H.R. 2939, is at the desk.

Mr. BYRD. I thank the Chair.

## APPOINTMENT OF CONFEREES ON H.R. 2939—INDEPENDENT COUNSEL REAUTHORIZATION ACT

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate H.R. 2939, the independent counsel reauthorization bill.

The Presiding Officer laid before the Senate H.R. 2939.

"An Act to amend title 28, United States Code, with respect to the appointment of independent counsel.

Mr. BYRD. Mr. President, I move that the Senate insist upon its amendments to H.R. 2939, the independent counsel reauthorization bill, that the Senate request a conference with the House on the disagreeing votes between the two Houses and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. GLENN, Mr. LEVIN, and Mr. COHEN.

## MEDICARE COMPREHENSIVE HEALTH CARE ACT—H.R. 2470

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate amendment to H.R. 2470, the Catastrophic Health Care Insurance Act, be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FINAL REPORT OF THE SELECT COMMITTEE ON SECRET MILITARY ASSISTANCE TO IRAN AND THE NICARAGUAN OPPOSITION

Mr. BYRD. Mr. President, I ask unanimous consent that notwithstanding the provisions of section 9(a) of the Senate Resolution 23, the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition shall make its final report to the Senate on or before November 17, 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORIZATIONS FOR PRINTING

H. CON. RES. 140: TO AUTHORIZE THE PRINTING OF MATERIALS ENTITLED "GUIDE TO RESEARCH COLLECTIONS OF FORMER MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES, 1789-1987"

H. CON. RES. 177: TO AUTHORIZE THE PRINTING OF THE COMPILATION OF MATERIALS ENTITLED: "GUIDE TO RECORDS OF THE U.S. HOUSE OF REPRESENTATIVES AT THE NATIONAL ARCHIVES, 1789-1989: BICENTENNIAL EDITION"

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of House Concurrent Resolution 140 and House Concurrent Resolution 177; that the Senate proceed to the immediate consideration of the two concurrent resolutions en bloc, that they be considered en bloc, agreed to en bloc, the motions to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXTENSION OF TIME TO FILE

REPORT ON S. 1085

Mr. BYRD. Mr. President, I ask unanimous consent that the Armed Services Committee may have until Tuesday, November 24, to file a report on S. 1085.

The PRESIDING OFFICER. Without objection, it is so ordered.

## H.R. 3545—RECONCILIATION—READ FIRST TIME

Mr. BYRD. Mr. President, I believe there is a bill at the desk, H.R. 3545, the House reconciliation bill?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, I ask that the bill be read.

The PRESIDING OFFICER. The clerk will read the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 3545) an Act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988.

Mr. BYRD. Mr. President, I ask the bill be read the second time.

Mr. WILSON. Mr. President, I object.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Mr. President, the minority feels that we would profit from having the benefit of an additional day, so I enter the objection to the second reading.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk pending the second reading on the next legislative day.

Mr. BYRD. Mr. President, does the distinguished acting Republican leader, Mr. WILSON, have any further statements or any further business?

Mr. WILSON. No. I thank my friend, the majority leader. I do not.

## YEAS AND NAYS ORDERED ON THE RESOLUTION OF RATIFICATION OF TREATY NO. 100-3

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the resolution of ratification of Treaty No. 100-3.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, as in executive session, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent there be a 30-minute time limitation on this rollcall vote which will occur at or around 9:40, 9:45 tomorrow morning; there will be a 30-minute time limitation thereon and that the call for regular order be automatic at the expiration of 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. BYRD. Mr. President, the Senate will shortly adjourn until to-

morrow morning at 9 o'clock. After the prayer by the Chaplain, there will be 2 minutes for morning business. At the close of morning business I will ask that the reconciliation bill be read the second time and that will be done and then that measure will be on its way to the calendar under rule XIV.

There will then be 20 minutes for debate on the resolution of ratification of the treaty, No. 100-3, for the prevention of pollution by garbage from ships.

There will be only one amendment in order, that being an amendment by Mr. BENTSEN. There will be a time limitation of 20 minutes' debate on that amendment to be equally divided and controlled in the usual form.

Upon the disposition of the amendment, the question then will occur on the adoption of the resolution of ratification. That will be a rollcall vote, the rollcall having already been ordered. There will be a 30-minute time limitation on that rollcall vote. Senators are urged not to delay being in the Senate and voting, and the vote will begin at around 9:45 at the latest. This takes into consideration the full utilization of the 20 minutes for debate on the resolution and the 20 minutes for debate on the amendment. If the full 20 minutes are not utilized, then under the order the vote will come earlier.

I would suggest that Senators be prepared to vote at 9:30 tomorrow morning. But there will be a 30-minute time limitation on the vote. And then, Mr. President, the Senate will resume consideration of the energy-water appropriation bill. There will be debate thereon, hopefully some votes in relation thereto during the day. There may be other business if agreed to in the meantime. Senators should expect, therefore, rollcall votes tomorrow, one to be sure to begin somewhere between 9:30 and 9:45 a.m. I hope the cloakrooms will be able to alert Senators to the orders.

## ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, if the distinguished Senator from California, the acting Republican leader, has nothing further—and he indicates he does not—I move, in accordance with the order previously entered, the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to, and at 8:38 p.m. the Senate adjourned until Thursday, November 5, 1987, at 9 a.m.